



Transcript of Proceedings

CRIME AND MISCONDUCT COMMISSION

MR R NEEDHAM, Chairman

No 5 of 2005

PUBLIC HEARING INTO GOLD COAST CITY COUNCIL

BRISBANE

..DATE 15/11/2005

..DAY 17

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THE HEARING RESUMED AT 9.48 A.M.

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MR BOYLE: Mr Chairman, I call Norman Colin Rix.

MR HOWE: May it please, Mr Chairman, I appear for Mr Rix.

CHAIRMAN: Instructed by Mr Marshall.

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NORMAN COLIN RIX, SWORN AND EXAMINED:

MR BOYLE: Witness, your full name is Norman Colin Rix; is that right?-- Yes, that's correct.

You're the Director of Family Assets Pty Ltd?-- Yes, that's correct.

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And a number of other companies?-- Yes, that's correct.

And those companies trade under the name of Rix Developments; is that correct?-- Yes, they do.

You've been served with an attendance notice to appear here. Could I just show you this document. Is that the attendance notice that was served on you?-- Yes, it is.

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I tender that attendance notice with the oath of service attached.

CHAIRMAN: That's Exhibit 230.

ADMITTED AND MARKED "EXHIBIT 230"

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MR BOYLE: If you could have a look at this document. You were interviewed by a CMC investigator on 3rd October 2005; is that correct?-- Yes, that is correct.

And that interview was tape recorded and has been transcribed and that's a transcript of that interview?-- Yes, it is.

Now, is that interview true and correct - what you said in the interview?-- It is correct but there's just a couple of technical little faults, that's all.

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Typographical errors?-- Yes, that's right.

Okay. But apart from that, it's true and correct?-- Yes, it is.

All right. I'll tender that transcript, Mr Chairman.

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CHAIRMAN: Exhibit 231.

ADMITTED AND MARKED "EXHIBIT 231"

CHAIRMAN: Mr Rix, do any of those typographical errors, are they obvious or do any of them give a wrong-----?-- I don't want to be pedantic but they've got me saying gunna do this and gunna do that and I don't speak like that.

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I see?-- That's - it's just make it looks a bit illiterate, that's all.

Yes, okay. Well, we'll understand that, but it doesn't have I did instead of I did not?-- No, no, no, no, nothing like that.

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Okay, thanks.

MR BOYLE: Mr Chairman, it's proposed that Mr Howe conduct the examination from here.

CHAIRMAN: Yes.

MR HOWE: Thank you, Mr Chairman.

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Mr Rix, you have how many children?-- I have three children.

And grandchildren?-- Seven grandchildren.

And all born and raised on the Gold Coast?-- My father came to the Gold Coast in the late 20s. I was born in Southport. My children were born in Southport, and my grandchildren all born in Southport.

Mr Rix, over the years, you've been involved in many community organisations and sat on many Boards; is that correct?-- That is correct.

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Could you outline to the Chairman some of those organisations and Boards that you've been involved in?-- I was on the Salvation Army Advisory Board for quite some time. I was on the South Coast Fire Brigade Board. I was also a Director of the Gold Coast Bulletin for a number of years. And I was also an Alderman for a number of years.

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Right. You served with the Gold Coast City Council as an Alderman for three and half terms, from 1972 to 1981; is that correct?-- I think it was two and a half, but, yes, that is correct, and I was Chairman of Finance.

Mr Rix, over the years, have you had occasion to make donations to various organisations?-- Yes, I do that regularly all the time.

Could you outline to the Chairman, please, some of those organisations you have made donations to?-- Just recently, I've given \$10,000 to the RSPCA for the animal ambulance. I've made a donation of eight and a half thousand to the Anglican College at Coomera for a bell tower. There was 63,000, I think it was, that we donated to the Upper Coomera Youth Centre. It was a condition of an approval but something we could have appealed that we didn't, but there's quite a long list.

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You've been involved in land development on the Gold Coast since the 1960s; is that correct?-- Yes, I have.

And as well as being property developer, you're a licensed builder; is that correct?-- Yes, that is correct.

All right. You have been asked before and it's recorded in the record of interview about Roxanne Scott. Are you able to say what type of matters you and Roxanne Scott discussed and what you were concerned about with the Gold Coast?-- I've been concerned about the Gold Coast City Council for a number of years. It seemed to me that there is a disruptive element in the Council and there are certain councillors that are totally irresponsible and they unfortunately are looking for headlines. To be more exact, I think they'd probably walk on broken glass to get their name in the paper.

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Were you concerned about matters such as the infrastructure and-----?-- Yes, I was.

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-----the future?-- I was. The Gold Coast is growing at a rapid rate. We have, as you would know, water problems. There's terrible traffic congestion. There's difficulties in relation to parks and gardens, and all sorts of things, and they were some of the issues that I discussed with Roxanne when she came into see me.

Did Roxanne Scott impress you as a candidate?-- Very much so. She seemed like a very sincere, switched on young lady and having spoken with her, she - her thinking was basically parallel to the type of things that I would have been doing if I had have been an Alderman.

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All right. And, Mr Rix, you have had some concern, have you, about the reporting of the slush fund in the Gold Coast Bulletin?-- Very much so. The Gold Coast Bulletin have come out and said they've outed me and, quite frankly, this issue was in the Gold Coast Sun some 12 months prior to being published in the Gold Coast Bulletin. On top of that, the dictionary describes a slush fund as a secret fund used to bribe government officials. I find that very insulting that they should use those words about me.

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In terms of you paying or donating \$5000 to a solicitor's trust account to support this candidate, Roxanne Scott, did you see that as being in any way untoward?-- No. Of course not. I don't believe there are too many politicians that you

can't contribute to their campaign funds, as it were. If you believe in a person, surely to God it's my right to be able to assist them in some way. When Roxanne came in and spoke with me, as I said, she impressed me, and I think she would have made a very very good councillor. It's a pity she didn't get in. Then on top of that as well, the \$5000 was to be used in her campaign fund to pay for printing material and that type of thing, and I was quite happy to give the money to Roxanne.

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And you made that clear to her?-- Yes, I did. I spoke to her at the time and I did what I thought was proper. I placed the money in a trust account with a friend of mine, Mal Chalmers. I believe probably that's the best way in which you can distribute the funds is through a trust account because it's audited. There was absolutely nothing hidden about the whole thing, and to say that The Bulletin has outed me and that type of thing is just totally disgraceful, in my opinion.

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Thank you, Mr Rix. Mr Chairman, that concludes my examination.

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CHAIRMAN: Thank you, Mr Howe. Yes, Mr Boyle?

MR BOYLE: Mr Rix, obviously, one of the things you're involved in is property development; that's correct?-- Yes, it is.

And is that in the Gold Coast area?-- Yes, it is; some of it is.

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Ms Scott came to your office. Now, the donation was made or into the trust account on 7th January 2004?-- Yes.

About how long before you made the donation did she come to your office?-- I'm not quite sure, to be honest. I think she came to see me twice, but I wouldn't be sure, and when she came in to see me, I probably would have made that money payable to her almost immediately, I suppose.

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All right. So it was some time earlier in January, you think?-- I would say so.

Okay. And you had a fairly lengthy discussion with her?-- Yes, I did.

Just to the first occasion that she came to your office?-- Yes.

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Did you, in your discussions, talk about what your company does or what Rix Developments does?-- I don't think the conversation centred on me. I think it probably was more centred on her as a candidate and what she intended doing and I do remember mentioning to her what I did when I was an Alderman and my experiences with Council. I don't think we had a conversation about my business at all, to be honest with you.

Okay. Well, did you discuss issues relating to development with her at all?-- No, I wouldn't have done that. There'd be no reason to do so.

Okay. Well, your past experiences with Council in your work?-- No, my past experiences as an Alderman. I was an Alderman for eight years, and she came in to speak to me about various things that she wanted to do and those problems. My work never came into it at all.

Okay. You mentioned a sum of \$5000 to her; is that correct?-- Yes, that is correct.

And you said - you told her that you were prepared to donate that amount?-- Yes, I did.

Did you tell her that you were going to put it into a solicitor's trust account for her?-- I don't know, to be honest. I know I did say to her, "I don't want every Tom, Dick and Harry knowing about this" because candidates get together during an election and I didn't want every candidate coming in asking for money, as you would understand.

All right. Well, did you have any concerns about it being made public prior to the election that you'd made such a donation?-- No, it wouldn't have worried me at all, just as long - when you say that, prior to the election I didn't - I would not have liked to become publicly mentioned because I didn't want every candidate coming and looking for money. They were always short of money, as you can understand. And may I go just one little bit further, please? I don't believe it should be just the right of me or a person who's got money to run for Council. I believe every Tom, Dick and Harry should be able to run for Council, whether a plumber or electrician and they shouldn't be restrained because they have no money to do so. So it's up to people like me if they see a candidate that they support that I believe I should have the right to support those candidates.

And that was your reason for making the donation?-- The reason I made the donation was because I wanted to assist her, yes, but also had a bonus as well because she was running against Dawn Crichlow who I saw her as one of the disruptive forces in the Gold Coast City Council.

Did you have any dealings with other candidates in the course of the campaign?-- I may have done. I just don't recall any.

All right. Now, the donation, as I said, went in on the 7th of January. Did you - at the time of making that payment, what instructions did you give as to the purpose of the money at the time it was put into the trust account?-- Well, the purpose was to assist her in her campaign. As far as I understood there were certain expenses and those expenses are how to vote cards and flyers to go out during the election and that type of thing. And, as I said, I put the \$5,000 into Mal

Chalmers' trust account and she could draw down on that \$5,000 as the expenses came in.

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Right. So your instructions so far as making payment was when expenses came in Mal Chalmers would pay for those expenses?-- Yes, that'd be correct.

And that changed subsequently?-- I don't really. I put the \$5,000 into Mal Chalmers' trust account. As far as I knew Mal was looking after it then. Mal and I are good friends and I felt quite comfortable the way Mal would handle it.

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All right. Mr Chalmers said - that when he gave evidence said that it was to be distributed in accordance with accounts that were presented by Roxanne Scott and that you would - you, Mr Rix, would contact - get - get her to contact him which she subsequently did. And then there was a time when she requested the balance; two accounts were paid - this is what happened: two accounts were paid?-- Yes.

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And then there was a request from her to pay the balance into her campaign account?-- Yes.

Can you recall him talking to you about that?-- This whole issue at the time was basically very minor; just like getting a haircut. If I had have known this was going to happen I would have documented everything.

Yes?-- No, I don't. I don't remember. I spoke to Roxanne Scott. I spoke to her on a couple of occasions. She seemed like a lovely lady. I was quite happy to assist her and work with her. I put the money into Mal Chalmers trust account; a trust account is audited. That's all - as far as I was concerned, that's all there was to it and I moved on. But I - I'm sorry, I don't remember the details to it.

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All right. Well, Mr Chalmers says that when the money was banked you indicated to him that you would have her contact him. Can you recall that?-- That'd be probably right, I'd say.

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And so you passed on those details to Roxanne Scott to contact Mal Chalmers, to your memory?-- I probably did. I probably did. Someone would have had to tell her; I suppose it was me.

And so you would have, at the time, told her that 5,000 had been deposited into that trust account?-- I suppose I did. I mean - say - someone would have to tell her. Either Mal would have to tell her or I would have told her. I'm sorry I'm not more definite on it, but as I said, at the time it was just something that I did and there was no details of it taken.

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All right. That's okay. Can I just show you a photo. It's a copy of Exhibit 66?-- Yes.

Now, is that a photo of your premises?-- Yes, it is a photograph of my premises.

That's the main entrance, I take it?-- yes, it is.

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Is that the office that you spoke - where you spoke to Roxanne Scott?-- Yes, it is.

And is what's shown in the photograph, would that show pretty much as it was back in the time of about January 2004?-- I would say it's probably still the same today.

And that's - that sign would have been there, "Rix Developments"?-- yes, it is there, and I can understand where you're coming from. You're saying basically that she would have known that I'm developer when she came in through the front door. And I'm going to suggest to you that because I'm a developer is it not right that I should help people if I want to from time to time? Have I done the wrong thing? Because I'm a developer by seeing a candidate that I like and gave her \$5,000 in good faith, I should not have done it because I'm a developer?

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CHAIRMAN: Mr Rix, there's no suggestion it's anything other than your right to make this donation to Ms Scott?-- Thank you.

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MR BOYLE: All right. But anyway, that was as it was back then?-- Yes, it is.

All right. Thank you. That's at Ashmore - is that Ashmore Road, is it?-- No. It's on Southport/Nerang Road.

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What suburb is that?-- You'd call it Ashmore. Ashmore Road's a different road altogether.

Did you personally go in and give the cheque to the bookkeeper at Mal Chalmers?-- No, I wouldn't have done that. What would happen is I would have written out the cheque and I would have had my assistant post it Mal, I should imagine. I think that's probably would have happened because I - I've noticed on previous correspondence that I wrote out the cheque and marked it "Personal" and I see there is a receipt there from Mal Chalmers. So it would have been posted to Mal. We play golf together. I wouldn't think - it upsets him if you talk about - about business when he's playing golf. He gets upset. So I wouldn't have given it to him personally.

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Excuse me one moment, Mr Rix. Now, just - you mentioned about a receipt?-- Yes.

I'll just show you a copy of the receipt.

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CHAIRMAN: I don't think there's any doubt about the receipt. It's been identified already by Mr Chalmers. I don't think anyone's disputing it?-- No, I acknowledge I gave Roxanne \$5,000.

MR BOYLE: Yes, I don't have any further questions.

CHAIRMAN: Yes, thank you. Any questions from anyone? No. Thank you, Mr Rix. Thank you for your attendance, you're excused?-- Thank you.

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WITNESS EXCUSED

MR HOWE: Good morning, Mr Chairman.

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CHAIRMAN: Thank you, Mr Howe.

MR BOYLE: Mr Chairman, Mr Mulholland will be conducting the examination in respect of the next witness.

CHAIRMAN: Sure.

MR BOYLE: Would it be possible to have a short adjournment before Councillor Young is called?

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CHAIRMAN: All right. I see Mr Young is here, Mr Mulholland is not. Okay. We'll just adjourn shortly.

THE HEARING ADJOURNED AT 10.15 A.M.

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THE HEARING RESUMED AT 10.43 A.M.

MR BODDICE: Good morning.

CHAIRMAN: Good morning, Mr Boddice, you're for Mr Young?

MR BODDICE: Yes. I understand an appearance has been sought before you.

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CHAIRMAN: Yes. Yes, Mr Mulholland.

MR MULHOLLAND: Mr Chairman, before calling the next witness, who is Mr Young, I should say something about the way in which I intend to present this evidence. I do not intend to tender Mr Young's letter to the Minister of the 8th of July 2005 for several reasons. Some of the matters raised by Mr Young have been examined by the Commission and there is no present intention to pursue them.

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Also, some matters are already the subject of direct evidence at these hearings and Mr Young's statements do not, in our judgment, advance that evidence. The same is true in relation to transcripts of records of interview conducted between Commission investigators and Mr Young. Those interviews were conducted on the 4th of August 2005 and the 6th of September

2005. Hopefully this will shorten the evidence and what I intend to do is to ask Mr Young to give oral evidence in relation to the matters of possible significance.

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I should add that if there is other relevant evidence in Mr Young's statement or in the transcripts of interview to which I have referred, in the opinion of either witnesses or their legal representatives, then they are welcome to invite - to state that in their view there is no relevance in them and to ask that those particular - in so far as they are relevant that they be tendered.

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Having said that I call Peter Young.

CHAIRMAN: Well, thank you for that comment, Mr Mulholland. That appears to me to be a wise course. I can't see any point in raising issues that the Commission doesn't intend to act upon only to then have some counsel feel it necessary to refute that issue.

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MR MULHOLLAND: Yes, thank you, Mr Chairman.

CHAIRMAN: It would appear to be an unnecessary waste of time.

MR NYST: Sir, can I just rise at this point and say this? There have been a lot of things said by Mr Young in the documents, both in the letter to the Minister and in records of interview, that on my instructions are just clearly untrue, incorrect; whether they're lies or not could be a matter that could be explored, but that have been the basis and the source of a lot of trouble that has brought us all here. And it may be important to explore this issue of the extent to which Mr Young is either an intentionally misleading person or just a person who doesn't understand the facts, or simply shoots from the hip without caring one way or the other. It may be important to explore some of those issues by reference to some of the documents that have been referred to.

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CHAIRMAN: I would refute part of the premise of your statement there, Mr Nyst, in that you said that there's a number of those things in Mr Young's dossier, to use the term that has been used, has caused a lot of trouble that has brought us all here.

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I mentioned yesterday that this inquiry was not based upon chapter and verse of what was set out in any dossier from this witness or from any other particular person. This inquiry does not take all those matters and assume them to be fact and work from them. Those matters have been looked at by counsel assisting; counsel assisting is then leading in evidence before this hearing the matters upon which it's intended to place any form of reliance, any form of investigation to see whether there is something in the statement or not.

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I see no point in opening up a whole lot of other issues. As I understand it that dossier has not been made public; it certainly hasn't by the Commission, and we've asked people to whom we've given it to treat it confidentially. It has not

been made public. I see no reason to allow you to raise matters only to attempt then to refute those matters.

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MR NYST: No.

CHAIRMAN: It does seem - I'm required to conduct this hearing as expeditiously as I can and I see no point in, as I say, raising a whole lot of matters. Mr Young's dossier was sent to the Minister for her information. It sets out matters upon which Mr Young has perhaps suspicions, might be the best way of putting it.

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I see nothing wrong in his doing that to the Minister but I see no point in raising them so they can be dealt with in the press and perhaps cause a lot of trouble to your client and other people when the counsel assisting is not intending to place any reliance upon them in evidence before this Commission.

MR NYST: I take it that the Commission has now, having investigated, determined that a lot of what Mr Young has been saying is untrue and just either lies or just irresponsible, unfounded scuttlebutt.

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CHAIRMAN: Well, you have no basis for that statement. It would be-----

MR NYST: No, I'm asking, sir, is that the case? Is that-----

CHAIRMAN: It would be - a better way to put it is that the Commission has looked into those particular matters, as I would understand it, and has decided that they are not at this stage - warrant pursuing in evidence in this hearing.

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MR NYST: Not worthy of being led.

CHAIRMAN: You can draw your own conclusions from that, Mr Nyst.

MR NYST: I do so.

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MR BODDICE: I just state on the record that we, of course, do not accept the statements that have been made but we do accept that from the Commission's point of view there are issues that the Commission chooses to explore and we don't want to take that any further.

CHAIRMAN: Yes.

MR RADCLIFF: Mr Chairman, I rise only to say that whilst the - if I can call it the unexpurgated version of the document has not been published other than for discrete purposes. The expurgated version has been and has been widely distributed throughout the community and-----

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CHAIRMAN: By whom?

MR RADCLIFF: By Councillor Young.

MR NYST: Including on the Internet, I think.

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MR RADCLIFF: Yes. And to that extent that document-----

CHAIRMAN: Mr Radcliff, this hearing was not brought into being for the purpose of investigating an expurgated or an unexpurgated-----

MR RADCLIFF: No.

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CHAIRMAN: -----version of any dossier. You said to me the other day that you appreciated a comment I made-----

MR RADCLIFF: Yes.

CHAIRMAN: -----that shortened cross-examination and you asked me to continue to do that.

MR RADCLIFF: Yes.

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CHAIRMAN: This process now is exactly in line with what you asked that we do.

MR RADCLIFF: The difficulty that we at the Bar table face is that the document does lay foundations for a number of problems. If-----

CHAIRMAN: Your client has his rights in other jurisdictions for matters that have been put out into the press for anyone who chose to do so. This-----

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MR RADCLIFF: Well, I repeat what I said on the last occasion and that is that there is no proceedings that my client has instigated at this point in time. But in so far as that document is concerned, it does raise a number of issues that need to be ventilated. We'll deal with it as it comes.

CHAIRMAN: Deal with it as it comes but it - you might see that counsel assisting is not putting that document into evidence.

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MR RADCLIFF: Therefore, it may be appropriate that we invite you to make a ruling in respect of its content as to whether it is relevant at all to these proceedings.

CHAIRMAN: Well, we'll not putting it in evidence so it will not be relevant. It will not be part of the evidence and, as not being part of the evidence, it will not be able to be relied upon in any way in any report that comes out of this hearing. Yes, Mr Mulholland.

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MR MULHOLLAND: Thank you, Mr Chairman. Yes, call Mr Young.

PETER JOHN YOUNG, ON AFFIRMATION, EXAMINED:

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MR MULHOLLAND: Mr Young, would you state your full name, please?-- Good morning. My name is Peter John Young.

Thank you. Would you have a look at this document? Did you receive an attendance notice to attend the proceedings today?-- I did, sir.

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And is that the attendance notice?-- I'm not sure if that's all of it. Yes, sir.

All right. There was a schedule with it I think?-- That's correct.

All right, well, I can include that in the exhibit later. I tender that attendance notice, Mr Chairman.

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CHAIRMAN: Yes, it's Exhibit Number 232.

ADMITTED AND MARKED "EXHIBIT 232"

MR MULHOLLAND: Mr Young, first of all, you are a councillor on the Gold Coast City Council?-- Yes, sir.

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You were re-elected at the March 2004 election; is that correct?-- That's correct.

Election held on the 27th of March?-- Yes, sir.

You were first elected to the Gold Coast City Council in 2000. Is that correct?-- That's correct.

What previously was your employment?-- From 1995 I was a director of my own company. I was a consultant. I provided consulting services in the field of geographic information systems. I had numerous clients around the country, principally major government agencies, Departments of Transport.

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All right. Now, the division that you represent is division 5?-- That's correct.

Is that correct? The Commission has heard evidence of a number of candidates at the election in 2004 who benefited by payments made out of a fund which was substantially developer backed. You would be aware of that evidence?-- Yes, sir.

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I assume that you've been following the evidence that has been heard?-- I have.

Now, first of all, in relation to the question of development - developer donations, is there any objection that you have in relation to the receipt of development moneys?-- Not per se. I think it causes some problems but I don't have a problem with it and I've made that a public statement on a number of occasions.

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All right. In this election of 2004, the evidence would suggest that up until close to the election, the fund out of which these payments were made was kept secret. What is your view in relation to that?-- My view is that the matter of secrecy was paramount amongst those people who were managing the funds and those who were receiving them.

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Right. Do you see that so far as the secrecy of such funding - that that poses problems.

MR NYST: I object to this, sir. You made a ruling yesterday, I think, about the views of some witness being of no importance. The importance is your view of matters. I don't want to see this as a forum for Mr Young to make political speeches or any sort of speeches. In my respectful submission, with great respect, your ruling yesterday was spot on.

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It's not the views of any of the witnesses about these things that's important, it's your view of the facts. He can speak about the facts. In my submission, he shouldn't be asked about this.

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CHAIRMAN: Mr Nyst, I see a difference. Yesterday that was a view about a factual thing that had occurred in a particular event before Council. I would see this expression of opinion in the same sort of category as - I think it was I asked questions of Mr Betts and Mr Pforr, Mr Molhoek - there have been questions asked of Ms Crichlow and there will be questions asked of the Mayor when he's called - of their view as to whether the donations from developers are appropriate.

If so, should there be disclosure of those sorts of matters before the election. That's what I see these expressions of opinion relevant to terms of reference numbers 2 and 3.

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MR MULHOLLAND: The question is, what problems do you see in relation to such a situation that I've outlined - what problems does that cause so far as a public election of the kind that we're speaking about?-- The situation being where the funding of the candidates was kept secret? I think that's caused a great deal of concern in the community of the Gold Coast. That's been very apparent to me both through statements made in the media, by citizens, in approaches to me whether it be at supermarket or at Remembrance Day services or in e-mails to me or in any other form of correspondence on an ongoing basis. It's a matter of grave public concern and something that I've adopted as a principal objective.

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Why is it, in your view, a matter of concern that such a situation would be kept secret from electors?-- I think

people's expectations change over a period of time and we are in an environment now where people expect a great deal of transparency from their local Government. They understand that local Government has a great influence on their lives on a day-to-day basis. It - local Government the size of Gold Coast City in particular which is a massive budget, almost a half a million people, has very significant influences on people's lifestyles, quality of life and economic development, a whole range of issues, provision of infrastructure. And people are very concerned about there being transparency in all of that, that they have a say, that their - they know who they're electing, that certain interest groups aren't perhaps gaining a predominance in the outcomes.

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So that if it were publicly known that candidates were benefiting so far as their campaign funds were concerned from developers, you would see no harm in that at all, candidates receiving money from developers; is that your situation?-- I - I-----

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I don't want to put words into your mouth. You just tell us what your position is?-- I think there's two issues of concern, sir, one being the transparency of that. If people know they will have some measure of - or some degree of satisfaction. On the other hand, there is a level of concern in the community about the predominance of a particular industry dominating the outcomes and we have faced the situation in the Gold Coast obviously where development is a very major industry. It's a major generator of business of employment. It's - it's a very significant component of the economic activity of the city and people are concerned about the impacts that there may be on their lifestyle, their enjoyment of the city which is, you know - many of them have moved there because it's a beautiful place, and they-----

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Well, what's your point?-- They are concerned about - sorry - they are concerned about a predominant faction, if you like, of a - of a dominance of outcomes that may favour one side or the other.

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You mean if potentially the situation were that by receipt of developer funding, the outcome of the election could be affected; is that what you mean?-- Yes, sir.

And well, in a situation let's say that moneys coming from developers to candidates were made public and an election were held and subsequently planning and development matters affecting the particular developers came before Council, what in your view would be the situation so far as the councillor was concerned?-- An individual councillor?

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Yes?-- I think-----

That is to say would they be able to vote in relation to those matters or not?-- Well, currently they - they would be able to vote in most cases, I believe.

Now, you're referring to the requirement that there be a material personal interest?-- That's right, sir.

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And the advice that you've received, and others, is that that would not fall within a material personal interest and so that they would be able to vote?-- That's right.

Yes. So that's one aspect of it. Is there any other aspect, then, in determining whether or not a councillor would vote in those circumstances on that issue?-- Well, I'm not sure if I understand that question correctly but the public interest must prevail over the interest of any individual, whether that be the councillor or any other person, you know, someone adjoining a park and he wants a fence so - or a major developer, the public interest must prevail.

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So there also is a statutory provision which I take it you are aware of which, although not creating an offence, provides for a conflict of interest to be recognised, that is between some private and public interest?-- That's right.

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You're aware of that provision?-- Yes, I am.

Well, in those circumstances, what would you do? Let's say if you received developer-funded moneys for which you see no per se objection, in those circumstances would you consider it appropriate to vote or not?-- It's not necessarily a question I've had to ask myself because I've - I've pre-empted that I suppose by making a decision not to accept money from major development interests because I think you can get yourself into a position where you're compromised. As a representative of the community, your obligation is to represent the public interests at all times. People have voted you in for that particular purpose. If you decide to abstain from voting and any influence over the outcome of a decision, then you're prejudicing the outcome I believe in that - the representative - the people that you're representing aren't having a say.

30

Is that a public perception/concern?-- Oh I think very much it could be, sir, yes. If the public was concerned about a particular development, for example, and the local councillor wasn't able to partake in the discussion and voting because they had made a decision that it was - there may be a conflict of interest, then really that - that part of the community's being denied an effective voice either in favour of or against the development and-----

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Right?-- And that's an important thing I think for us to address.

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So in the upshot, what is the solution that you see?-- There may be very simple solutions. I've given this some thought. I honestly believe that the best thing may be for candidates, once they have undertaken some sort of course so they understand their obligations and their - their duties under legislation, then might attract some funding from the State Government or from the ratepayers, and that would be a limited amount just to enable a - the necessary promotion of the

person's ideology or - just so that people know about that - where that people - that person stands. So you're just denying or abstaining from having any donations whatsoever, you avoid all sorts of conflicts or potential conflicts of interest in the future. It may - it may not stand up to scrutiny that - that particular model, but I believe it has some advantages.

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Now, you would be aware that the Commission at the second stage of this Inquiry will be examining that question?-- Yes.

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And you may wish to make some written submissions at that stage?-- Yes.

I just wanted to give you the opportunity here today to say something about it. That situation, however, which you are suggesting which I gather really amounts to this, to prohibit developer funding. That would be the result?-- No, it's not only that. There may be in a - in a local government where development interests aren't a major factor. It may be the farming industry or mining industry or some other group that is able to garner a lot more money and put a lot more money behind candidates, whereas candidates who come from, you know, with a community-base looking at \$5 and \$20 donations, that sort of thing, so you have a very uneven playing field.

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Well, now, in that situation, let's say such a law were adopted, it could lead to this result, couldn't it, that people who are wealthy candidates would be at a great advantage?-- How would that be, I'm not sure?

30

Well, if they had their own funds to support-----?-- Oh well, I'm suggesting that there be a limit on the amount of money-----

Election spending?-- -----that can be used. That's correct, yeah. So it's - it's a set amount and that may be related to the number of electors within the constituency. It's a - I haven't given it full thought.

40

One final - well, I'm just raising this with you. You may wish to give it some further thought and make some written submissions. One further aspect of it is, I suppose, incumbent councillors would in that situation be at an advantage over councillors or candidates standing for the first time?-- In that they have a-----

They have a following?-- -----public profile.

Public profile and so on?-- Well, I think - I don't think much can be done about that necessarily.

50

All right. Now, it is the situation that, in your own case, at the March 2004 election you were opposed by one candidate?-- That's correct.

Namely Mr Rowe?-- Yes.

And the same is true, that's in relation to your division, the same is true in relation to Mrs Crichlow's division, she was opposed by Roxanne Scott only?-- Yes.

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And certain members of the people - or certain people who benefited from this fund, namely, as we know from evidence, Roxanne Scott, Grant Pforr, Mr Betts and Mr Rowe, they were not, it would appear from the evidence, they did not stand against the incumbent councillors, or the incumbent councillors, certain incumbent councillors, namely Councillors Power, Robbins, La Castra and Shepherd, they weren't opposed by such candidates?-- No, that's correct. Even though in fact Brian Rowe and Roxanne Scott lived outside of the electorates for which they stood. I mean, that's - that's not against the law but it's just an interesting fact.

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All right. Now, I wanted to take you while dealing with the question of these funds to a conversation in January 2004 where you heard something said by Mr Power from which you gained a suspicion - this is the conversation between Mr Power and Mr Shepherd?-- Yes.

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Now before I do that can I just confirm with you that you were interviewed by Commission investigators on the 4th of August 2005 and also on the 6th of September 2005?-- That's correct.

Now on those occasions you were spoken to for several hours on each - on each of the - those dates, is that correct?-- Yes.

In relation to this matter, in order to shorten things I'd ask you to look at a transcript and just confirm the accuracy of it, and I can indicate, Mr Chairman, for the record this relates to page 17 of 18 being the third tape of the interview on the 4th of August and pages 3 to 8 of 19 being the first tape of the interview of the 6th of September.

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CHAIRMAN: Sorry, what was that second one, 3 to 8?

MR MULHOLLAND: 3, pages 3 to 8.

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CHAIRMAN: Of 19?

MR MULHOLLAND: Of 19 being the first tape.

CHAIRMAN: Thank you.

MR MULHOLLAND: Of the second interview. Now would you have a look please at these pages? Have you had the opportunity to read these transcripts?-- I have.

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If there is anything in the transcripts that I'm passing up, handing up now, the pages to which I've just referred, if there's anything so far as the accuracy of the transcripts as you - as I refer you to pages of the transcripts please draw it to the Commission's attention?-- I will.

Is that - are those pages which are, so far as you are aware, accurate?-- They look-----

Of which you said?-- They look to be identical to the ones that I've previewed.

All right. I tender those pages, Mr Chairman.

MR NYST: Well, Mr Chairman, this really is inappropriate, and I can understand my friend wanting to protect this man from lies he's told but it seems to me it's inappropriate to take two pages out of an 18-page transcript and seek to tender it. Now if we're to rely on things that he's said then it can be put to him and he can - he can be - he can stand or fall on the accuracy of it, but to take a couple of pages out in the hope that you might have something good here and hide the rest because you know it's all full of lies-----

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CHAIRMAN: Mr Nyst, Mr Nyst. I gave you a gentle indication before that I didn't like what you were saying but you are persisting with it.

20

MR NYST: Well-----

CHAIRMAN: It is not appropriate for you to say that the Commission is protecting this man from lies that he has told and I reject-----

MR NYST: Well, what other inference can we draw from that?

CHAIRMAN: Excuse me, I'm talking. Now, that is not appropriate and I ask you to refrain from those sort of gratuitous comments. Now, in so far as this not being appropriate there are certain parts of these interviews that the Commission desires to rely upon and it is totally appropriate, in my opinion, for the Commission to accept those parts into evidence and not the other parts. There is no unfairness in it, that you have the entirety of the records of interview and you can see the entirety. If there is any other part of it that you feel that you need to open up with this witness we will address that when the time comes for your cross-examination. But there is-----

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MR NYST: Could I-----

CHAIRMAN: There is nothing wrong with this process that is being adopted at this stage. It is not being done to protect this witness. It is being done for purpose of expedition, in moving this hearing along. It is also being done because this gentleman is perfectly entitled, and it's totally appropriate that the Commission investigate it to pursue aspects with him as part of an investigation, aspects which it might be determined is not then appropriate to open up publicly so that it can be reported on in the media. It is done in many ways for the protection of your client and for the clients of other people at the Bar table, and also for those people who are not represented.

50

MR NYST: Could I say that the protection of my client comes a bit late because we've had this - these various areas claims

made and remade in the media for months and months and months,
and we come here as a result of a so-called dossier sent to
the Minister, in which the broad wash of corruption-----

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CHAIRMAN: Mr Nyst, I've made that comment - I've made that
comment-----

MR NYST: All right, thank you.

CHAIRMAN: -----that we do not come here as a result of a so-
called dossier and further comments by you along those sort of
lines are unhelpful and I'd ask you to cease making them.

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MR NYST: I shall, and could I simply ask you this, sir, with
respect. Do you have a copy of these transcripts or have you
read a copy of these transcripts?

CHAIRMAN: There is a copy here which I have not read but it
is here.

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MR NYST: Do you intend to read them or are you now going to
get rid of those?

CHAIRMAN: I will not - I will now only be relying upon the
parts that are tendered in evidence.

MR NYST: Well-----

CHAIRMAN: There is - what is it, a three-quarters of an inch
thick which - and I can assure you when I sit here during the
day and I go back upstairs I have many other things to do
while running this Commission than to sit here and read the
entirety of that. I rely upon counsel assisting to read this
and to place before me the portions that they say are relevant
to this inquiry.

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MR NYST: Look, I'm happy so long as I know I'm addressing
what you're addressing.

CHAIRMAN: You will be addressing what I am addressing and
might I say, it's not me at the end of the day. The final
report will be approved by the Commission, of which I am the
Chairman, but there are four part-time members. They most
certainly will not see any of this; they will only have
reference to evidence.

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MR NYST: Thank you, sir.

MR MULHOLLAND: I tender those pages.

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CHAIRMAN: That will be Exhibit 233.

ADMITTED AND MARKED "EXHIBIT 233"

CHAIRMAN: Sorry, Mr Radcliff, you-----

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MR RADCLIFF: Oh no, I was saying I was having difficulty identifying the second - but I'm told we'll be given copies now.

CHAIRMAN: Right.

MR WEBB: Might I just see the ones that have been tendered?

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CHAIRMAN: I think you're being given copies now, Mr Webb.

MR WEBB: Thank you, sir.

MR MULHOLLAND: I'll just pause until-----

CHAIRMAN: It would assist me if I had those too, but otherwise I can pull them out. If they're not there, I can pull them out of what - my large copy. Thank you.

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WITNESS: Mr Mulholland, in all that confusion, I don't have a copy, but I have the originals, so-----

MR MULHOLLAND: Well - Mr - I want you to just address, as briefly as you can, the conversation that you heard on that occasion?-- I can be brief, because it was only a brief incident. I entered the Councillors' dining room which is what it was called at that point in time, in the building of the Gold Coast City Council at Nerang. I believe it was towards the middle of the day on a January day in 2004, after a planning committee meeting. We normally had some sort of lunch in there after the planning committee. As I entered the door - the doors were closed, I opened the door and Councillors Power and Shepherd were sitting at the table. Councillor Shepherd was listening to Councillor Power. I overheard Councillor Power saying words like "And there should be enough left" "there should be some left over for us".

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Thank you?-- And Councillor Shepherd responded, "Sounds good to me". They curtailed their conversation then.

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Now, you did not hear, I gather from what you've said, any reference to funding in this conversation?-- No, I did not.

Or to any fund?-- No.

Or to any candidates benefiting out of a fund?-- No, I did not and I made that clear in my statement of the interview.

Right?-- But my suspicion was they weren't talking about cake. That was only my suspicion and that's why I raised it with the Minister.

50

So you considered it may have some significance; is that the point that you're making?-- That's correct.

Yes. Now, can I ask you - you made reference to a committee; what committees are you a member of, following the 2004

election?-- I'm a member of the City Planning Committee, the Economic and Cultural Development Committee, the Strategic Growth Management Committee and along with all Councillors, the Coordination Committee.

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Right. So how does that differ from the committees of which you were a member prior to the 2004 election?-- Currently there's a City Planning Committee which looks at development issues for the entire city. Beforehand there was a planning north and a planning south, two committees taking geographic north part and the south part of the city. I was a member of the planning north. I don't believe Economic and Cultural Development was a committee and the others, Strategic Growth Management, which is now a statutory committee, was beforehand called the Planning Scheme Review Committee and it was nominated as an advisory committee, which is more or less a rung below us.

10

And you were a member of that, were you, prior to the election?-- Yes, I was. Yes.

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Are you a chair of any committee?-- No.

Were you a chair of any committee in the previous Council?-- No. I was deputy chair of the Finance Committee for some time.

All right?-- And I'm not certain, but I may have been deputy chair of the Planning Committee, but don't quote me on that.

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Right. Deputy chair to Mr Sarroff, was it, of the Finance Committee?-- For a time, that's right.

All right. Now, I want to draw your attention to an article in Exhibit 3, number 69 and I'll show you a copy of the - now would you have a look, please - would you have a look at this article? The - the Exhibit 3, number 69, to which I've referred, is simply a transcript of this article. This is the actual article or a copy of the actual article. You recall this article?-- I do.

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And there was published in the Gold Coast Bulletin, the results of investigations made by the Mayor, Mr Clark; is that correct?-- That's correct.

All right. I tender that article. Perhaps it could become part of Exhibit 3, Mr Chairman?

CHAIRMAN; Yes, if that could become part of number 69 of Exhibit 3?

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MR MULHOLLAND: Is there any comment you wish to make in relation to what that investigation by Mr Clark revealed?-- I don't know the full extent of the analysis done for the Mayor or by the Mayor, but I would predict that it was looking at - I mean I can only assume that it was dealing with matters of the Council and the Coordination Committee, because those - on those - in those two forums, it's not unusual for a vote to be

recorded so as to record who will vote for or against a particular item.

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Did that - the results as published, conform with what you had gained from being a Councillor and your knowledge as a Councillor of the workings of the committee?-- Yes. They reflected what I was seeing in the Chamber of the Council and in the Coordination Committee meetings, a higher degree of consistency of voting amongst certain members of the Council.

10

Right, and-----?-- When I say "consistency", I mean a pattern if you like.

Yes. And in particular, it's suggested that certain councillors had voted together up to 99 per cent of the time?-- That's what the analysis showed and that gelled with me because that's - that's what I'd witnessed, I suppose.

So there was no surprise that it came out of the publishing of this result. You weren't surprised by the result?-- No, not at all.

20

Yes. Now, is it the case that you have referred or become aware of Councillor Power's interim election gift return of the 6th of April 2004 indicating a sum just under \$50,000 was received for luncheon tickets?-- Yes.

And also that section B of the form indicating that gifts were received from 79 persons - is that so?-- I'm just checking-----

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By all means-----?-- The document I have-----

-----refer to any documents if you wish but tell us what you are referring to?-- I'm referring to my submission to the Minister and the paragraph that deals with Councillor Power's interim return.

Yes?-- Because these are the figures that I believe are reliable.

40

Yes?-- And-----

All right. Well, now-----?-- Yes, it's 76 persons donated \$47,825 for luncheon tickets on the interim.

All right. Before you go further, this was a matter that was dealt with in the interviews to which I have referred with Commission investigators. Is that so? I'll show you a transcript - relevant pages from the transcript of the interview of the 4th of August 2005, this being of the fourth tape, pages 2 to 3?-- That'll be 2 to 3 of 13?

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2 to 3 of 13?-- Yes.

Yes, have a look at this, please?-- Thank you.

Again, are those the pages which refer to the matter that I've mentioned?-- They are.

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And what you say there, again, there's nothing that you want to add?-- Add in the sense of-----

Is there any other matter of significance-----?-- -----expanding upon this information?

Yes?-- It's my belief that luncheon tickets and raffle tickets are an effective way for people to hide donations to their election campaigns. The information that was made available to me by people anecdotally was that people were buying luncheon tickets without attending luncheons. They were buying them in big swags, if you like, not a luncheon ticket for one or two people but thousands of dollars worth. And whereas the Local Government Act requires a person to identify a donation of \$200 or more to their individual campaign, luncheon tickets and raffle tickets, the source of funding and the amount of funding, does not have to be declared.

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So hide in what way? What is your objection to the hiding?-- Well, I think the objective of the Local Government Act with regard to funding of election campaigns is to ensure there's a great deal of transparency and traceability about the source of funding and I think that this - this is a - essentially a loop hole-----

You mean-----?-- -----that may or-----

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Sorry?-- -----may or may not have been exploited in this case.

Right. Are you referring there to the non-disclosure of donors names. Is that what you mean?-- Well, the reality is Councillor Power wasn't obliged to indicate in his return the receipt of \$58,000 or any fund what so ever through the sale of raffle tickets or luncheon tickets. He's done that perhaps because he thinks that was in the public interest. But whereby we have a requirement to identify the particulars of an donator of a sum of \$200 or more, here you have an opportunity for, I think, vast amounts of money to be directed into a campaign fund and they're - they're not traceable what so ever.

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By a particular individual or entity. Is that what you mean?-- Exactly.

Without disclosing the name?-- That's right. I mean, there's no requirement for records what so ever in regard to donations - sorry - funding of - I beg your pardon - in regard to sale of luncheon and raffle tickets.

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All right. There's nothing else that you want to add to that?-- No, just - I think the fact that I've - the point I've made in my interview with the officers of the CMC was that I'm not questioning the legality of - I'm saying it's not unlawful to take that money and so that's a point I'd just reiterate.

But you regard it as undesirable?-- I think it is - there's opportunity to have outcomes contrary to what the interests or the objective of the Local Government Act is in terms of disclosure of gifts.

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Again, so that electors, the public, may know. Is that the point?-- Entirely. And I think that's what the people are demanding.

I tender those pages.

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CHAIRMAN: I'll make those part of Exhibit 233.

ADMITTED AND MARKED "EXHIBIT 233"

MR MULHOLLAND: Now, in the interviews with Commission investigators, you also referred to the question of infrastructure charges. Do you remember that?-- I did.

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This is record of interview, 4 August 2005, 8 to 10 of 23. This is tape 2. I'll ask you have a look at these pages, Mr Young. Just read that quickly to yourself to satisfy yourself that's what the interview was about at that point?-- It looks correct.

Right. Now, again, in relation to these infrastructure charges, could you tell the Commission shortly what your concern was in relation to this issue?-- Infrastructure charges are an opportunity, if you like, for local government lawfully to gather money from developers to support community infrastructure such as roads, recreational facilities, stormwater pipes and the like. Our city is in a very grave situation in that we have a failing infrastructure in many respects. That's widely acknowledged. We introduced infrastructure charges at the beginning of 2004. They went through a process of determining these infrastructure charges over a period of years. We had significant input from advisory committees comprising various stakeholder interest groups.

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This is prior to the election?-- That's correct.

Yes?-- The infrastructure charges were finally adopted in January 2004 and became effective from that point in time. So, it was a matter of significant concern to the development industry because the infrastructure charges meant that costs per building unit, if you like, whether it be an allotment or an apartment were going to rise significantly. In some cases, the charges would be in the order of \$14,000 per allotment, whereas previously they might have been in the order of about \$2000.

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So, an increase of about - in that instance of \$12,000?-- Just for a single allotment. Now, they range - they varied across

the city according to what the existing infrastructure was and what the future demand would be and more or less making up the shortfall. So, it was a matter of great concern to the development industry and they made a very public foray to try to have changes. They weren't happy with the process. They claimed that they were in a situation where development would slow down or stop, that projects would go west, so to speak.

1

Is this the concern that you're expressing here by the developers; is this before the decision was made?-- No. The development industry had been involved in the formation of those infrastructure charges. They had representatives on the infrastructure advisory committee. My recollection is that those members voted in favour of the adoption of these infrastructure charges. They had a full understanding of the merits of them. It's just after the adoption of the charges and the introduction of them by the Council, there were various voices within the development industry that rose saying, you know, crying out, we don't like these. So, there was some intensive lobbying going on and immediately prior to the Council election of 2004, the very last Council meeting, there was an attempt to put a moratorium on those charges altogether, charges we'd only just legitimately introduced. That was of concern to me. It was certainly of concern to the broader community or at least those who understood what it was all about. The attempt to have a moratorium imposed at that point in time was not successful but it became evident that the industry or elements of the industry were pushing for that and that their interests might not be best represented by the maintenance of those new infrastructure charges.

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So, who was driving the moratorium?-- Well, driving in the sense of lobbying, I would suggest certain developers or people with development interests; driving it in a political sense, I would suggest Councillor Power, very strongly.

All right?-- And that was of some considerable debate and disappointment to members of the advisory committee including the Deputy Mayor at the time. There'd been a lengthy process in pursuing that outcome and implementing them in a genuine and defensible way and all of a sudden people were trying to wind it back or effectively put a stop to it altogether.

40

Now, the decision which had been taken by Council, was that a unanimous decision of Council in favour of the infrastructure?-- I couldn't say. I don't recall.

All right. So in the end, the moratorium that was sought didn't go ahead?-- That's right.

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Right?-- It was immediately prior to the election. It came as a - it came out of the blue, really, this attempt in a political sense. We were at the Council meeting and a motion was introduced. There was conjecture about where this had come from. The CEO wouldn't reveal. He said that he'd been lobbied by certain councillors and wouldn't tell the rest of the Council, the elected representatives, who had lobbied him and-----

The CEO being?-- Mr Dickson. And he - a draft motion was presented I think by him and-----

Presented, was it presented?-- I don't - presented in the sense that it was introduced to the meeting. I don't think it was tabled. It wasn't moved as a motion by the CEO of course, but I recall he had the document and it was then picked up, copied and provided to a few councillors.

Right. What became of that; you don't have a copy of it?-- I don't believe I have. I could certainly check but I-----

All right. Well, if when you complete your evidence if you would check and let the Commission know. You can be reminded of this afterwards, Mr Young, but if you wouldn't mind checking and let us know if you find anything. Is there anything further that you wish to say in relation to this particular issue?-- Whatever the issue may be, whether it's infrastructure charges or protection of some environmental asset, there's always going to be a difference of opinion, there's always going to be lobbying and that's understandable. I think the importance of this was the time and the relationship to the election. It took on a different tone, if you like, it took on a different importance. If this had happened - this moratorium that had been sought was mid-year, it may not have been such a significant issue but it was around about the time of the election and I think - it was something that was discussed with members of the development industry as an issue that needed to be overturned in the sense of-----

Was it made public?-- The-----

Sorry, I shouldn't have cut you off. You said in the sense of - I cut you off?-- I think that it became a hot topic in the development industry, and people were - it was promoted that if the right people were elected in Council, then we might see a change in the infrastructure charges, a relaxation, a rolling back, so to speak.

Promoted - what do you mean, promoted?-- My understanding is, and I am not privy to these discussions, that-----

Well, hold on. What is your understanding gained from?-- From people with development interests telling me that they were told; "You put your money behind this and we'll look after you" in terms of infrastructure charges.

What developer interest told you that?-- One I can recall is a Mr Cater.

Mr Cater? Is that the-----?-- C-A-T-E-R.

Is that the Cater referred to in your-----?-- It is.

-----return. In your return, in the return that you put in after the election?-- Now, not to compromise Mr Cater, I never

really pursued that line of questioning because I felt that he offered that to me in good faith and - and so I really didn't pursue that line of questioning with him. I just took it from him that there had been an occasion where he had been approached and told you support the right people and-----

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Now, this moratorium-----?-- -----get the right outcome.

-----which was being sought, was that made public?-- There was certainly media articles after that attempt, yes.

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Yes, I tender that transcript?-- I think it's important to say that it did become quite an issue at the election in a sense that it was not just a passing thing. It - it gained a relevance to the election in that various candidates and councillors, incumbent councillors introduced it into the context of the election.

Right. So what are you - what's the point that you're making there?-- Well, only the fact that it was relevant at the time to the election that it was in the public debate in the context of the election in the-----

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CHAIRMAN: Mr Mulholland, that transcript will become part of Exhibit 233.

MR MULHOLLAND: Thank you, Mr Chairman. There's nothing else you want to say on that topic, Mr Young?-- No.

Yes.

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MR WEBB: What page - might I see that last bit, Mr Chair. I don't think we've got it.

MR MULHOLLAND: Yes. Well, now, can I see Exhibit 3 number 60, please?-- Do you mind if I just do offer this in the context of the infrastructure charges, you asked if I had anything else. The - after the election it certainly rose its head again. There were attempts made then to roll back the infrastructure charges somewhat.

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Is this immediately after the election?-- Not immediately, some months; became apparent to councillors that a special advisory group had been established. The advisory group consisted of certain members of the development industry. It wasn't a Council decision to establish this advisory group. Council had no previous knowledge of its existence. I suspect some councillors may have but not the body politic-----

Is this an outside advisory group-----?-- Yes.

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-----that you're speaking of?-- It was - it was created by Gold Coast Council by the director of Gold Coast Water, I believe. So he brought together some people with development interests, whether they be developers themselves or agents or consultants. Some of those people had quite obviously lobbied Councillor Power and the Council generally through correspondence. We had copies of written correspondence from

them complaining about the imposition of these charges and how it would affect them and they were seeking changes to it. So that became - or that was big news to a number of us councillors that this advisory group had been created; that it had been sitting there since about the time of the election it seemed dealing with this subject and lo and behold its advice was that Council should wind back the charges in the sense that those - if you'd gained an approval for a development some years before the introduction of the charges you would only pay a proportion of the infrastructure charges that were duly payable and, please, if I'm not making this clear, ask me questions so I'll make it clear. For example, if you'd had an approval two years prior to the introduction of the charges you may not have proceeded with that development but at the time that you did proceed with the development after the introduction of the charges normally, as per the recently adopted policy, you'd have to pay the full amount. These people were advising Council that instead of paying the full amount they might just pay a proportionate of it, 25 per cent, for example. So we were then concerned, well, where's the shortfall going to be made up from if these people are paying less than they're duly required to. So then it became apparent that people in the future would make up that shortfall and a number of us questioned the legitimacy of that outcome and ultimately through very lengthy process of argument and debate over a number of weeks we were provided with some form of legal information which they said wasn't legal advice but just a collection of thoughts, and I'm quoting "collection of thoughts" and it - it clearly stated that the offsetting of those charges from the previous approvals to the future approvals was not - couldn't be substantiated in law; couldn't be defended. Now, our concern was at the time of trying to introduce this staged payment that ultimately the ratepayers would be the ones that foot the bill. You know, I-----

So what was the outcome of this attempt to wind back the charges?-- Well, ultimately, that attempt was unsuccessful but it was a very strong attempt made to introduce that and our concern was, my concern and that of a few other councillors was that public interest was being subordinated to the interests of a few with, you know, vested interest.

Well, Mr Young, many might say that in relation to an issue like that there's no harm in, it's part of the democratic process that people are entitled to lobby and groups are entitled to lobby and if their interests are affected then you would expect them to lobby. So why can't this particular issue be seen in that light; that subsequent to the election developer interests thought in order to protect their interests, whether they'd re-thought the previous position or for whatever reason and so sought to have their interests protected. In the end they were unsuccessful, but what's the harm in them attempting to try?-- As I said before, there is always going to be lobbying about any particular issue and I don't have a problem with that. That's just the course of natural government. But it seemed apparent that the - there was a link between some of those people who had formed this

advisory group and members of what we now know as the bloc,
the pro-development bloc.

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Or connected to this fund that we've been speaking about; is
that what you mean? Is that what your concern was?-- Yes.

Yes. Well, would you have a look at this article.

CHAIRMAN: This is back to number 60, Exhibit 3.

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MR MULHOLLAND: Yes, thank you.

CHAIRMAN: Yes.

MR MULHOLLAND: Thank you, Mr Chairman. Now, this article,
just read it. Make yourself aware of it, of the Gold Coast
Sun of the 21st of April 2004, the title of it "Young Muscled
Out Admits Shepherd". "Gold Coast City Council powerbrokers
scheme to prevent Councillor Peter Young from gaining control
over a City Planning Committee, a senior councillor has
admitted", and there are quotes attributed to Councillor
Shepherd in relation to the matter and also comments
attributed to yourself. You see there, "Councillor Young" -
this is about halfway down - "who as a double arts major has
been a strong advocate for environmentally sustainable
development", and so on. Just fill us in on what this is
about, what your concern was?-- As I said earlier, prior to
the March 2004 election there was - there were two planning
committees, north and south. All of the councillors were
represented in those committees. There were six in the north
and eight in the south, and the Mayor being a member of all of
the committees.

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Ex officio member, is it?-- That's correct, sir, thank you.
So immediately post the election we had a meeting, a meeting
of the elected councillors but before votes had been taken and
so forth and at that time it was determined to change the
structure of the committees and to amalgamate north and south
into one. Now, the way I read the goings on then was
that-----

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Well, did you support that?-- No, not at all.

Why didn't you support it?-- I believed - and the objective
was to gain a single committee and have fewer members and I
believed that it was important that all councillors have an
opportunity to be represented in planning matters. It's one
thing that does touch very much on - on local communities.
It's - it's probably the most obvious issue or matters related
to planning and development are the most obvious issues that
affect communities and where people want to take a stance and
want their local representative to take a stance, so whereas
previously at the committee level there was representation by
all of the councillors. The objective now is to reduce that.

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So would that be this interest of local communities, is that
just in planning matters so far as the local areas are

concerned or do you say that it's wider than that, that they ought to be on-----?-- Well, the-----

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-----the wider area, not just their own division?-- Well, obviously a councillor is obliged under the Local Government Act to represent the interests of the entire city but if they're also a representative for a division, as they are on the Gold Coast, then they're also responsible for representing the interests of that division. So I think it's - it's principally related to local issues where you have a local development about which the local councillor can pay a lot more attention to and have contact with the local community about, wherein those - those things may be more important or - for that local voice to be heard, but of course there are broader issues that may be completely outside of that representative's division which the community has an interest in as well - a development.

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Right. So before the election there were two committees. It was merged into one. You opposed it. How many members of the one committee were then appointed?-- I can't recall with complete accuracy. It changed over a period of time. There were a-----

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Well, were you a member?-- No. I was-----

Did you wish to be a member?-- I was - I objected so much to the - the types of committees, the structure of them, the - the organisation that seemed to have already been - that seemed to have gone into creating these committees and identifying their roles and their chairs that I just felt - I objected so much, I chose not to be a member of any committee at that point in time, but I pursued - I went - I went along to committee meetings-----

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So, what, it was your choice, was it? It was your choice not to become a member of the committee?-- Ultimately, yeah.

But you say that was because of the process that was followed? Just very shortly explain the process that you complained about?-- Well, immediately after the election at this post election meeting, we - the councillors - or councillors elect addressed a number of issues. Amongst them, salaries of councillors, the formation of committees, and the chairs of the committees were elected and there was a reasonable amount of manipulation, if you like, or changes to those committees in their structure, and it became apparent that each person associated with the Lionel Barden Trust Fund or that pro-development bloc was to be given a chairmanship, to the exclusion of people who may have had more experience or arguably, you know, it - it might have been warranted that they have the chair.

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You mean like yourself, for example?-- Well, the way I perceived it, if the north and south were to stay where all councillors would be represented, I would be a reasonable candidate for a position of chair of planning north and that seemed to be on the minds of those people who you might call

my political opponents and they didn't want me to have that position and I think that's what this article reflects and they deliberately amalgamated the committees so there wouldn't be an opportunity for people like me to have chairmanship of a committee.

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Did you indicate - this meeting which - the post election meeting to which you're referring when these things were settled, that's shortly after the election, I take it?-- Yes, very shortly after but I can't recall the date.

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All right. Did you indicate what your preference was, what you would like to see-----?-- Oh yes. There was some debate. There were attempts made to keep north and south separate. It wasn't successful and then, in fact, at the first meeting of the Council where councillors took their oath and the formation of these committees was properly achieved, I made an attempt then to keep planning north and south separate.

So you - the upshot of this is that you saw yourself being targeted?-- Not only myself. I saw other - what I'd call pro - well, people, councillors that weren't associated with the bloc were deliberately cut out.

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So as to deny you being part of decision-making?-- Well, ultimately we're all members of the council which is the final arbiter on these things, I appreciate that, but you have to understand that when a committee makes a decision it's very - it's not very often that a committee decision is overturned at council. It happens but it's generally sensed that at the committee level that's where the decision is made.

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All right. Is there anything else you want to add?-- Well, it wasn't just the chairmans of the committee. I mean, I don't really have great care about that, you know, in a personal sense. I don't have great aspirations in that sense. I was just concerned about proper representation, what seemed to be a manipulation of the formation of those committees and their members, more importantly, perhaps, in that the membership seemed to - of each committee seemed to have a predominance of the pro-development bloc so that at each committee, within each committee, and this was achieved through constant manipulation of numbers, particularly in regard to the planning committee, there was always going to be a majority of the pro-development bloc councillors.

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Well, we'll just - on that you speak of pro-development. I suppose, the other extreme, there's anti-development?-- I'm sorry, I'm using that - I'm using that term pretty loosely because I think that's been used beforehand here.

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Well, do you apply labels like that to yourself? Where do you - where do you fit in?-- I hope I'm representing the interests of everyone in the city, whether that be a developer or someone with a problem about a barking dog. I see myself as a - pretty much a middle of the road candidate, a pragmatist. I have a good understanding of a lot of the issues confronting us in that growing city and I don't see myself as anti

anything but I certainly have some problems with the number of developments that we are approving so it's been painted - I've been painted as a greenie and anti-development and they're claims that I reject.

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All right. Yes. Now can we move on? Perhaps at Exhibit - if you've still got it there?-- I have.

Could we return? Now, I'd like you to have a look at these pages. This is from the interview, record of interview of the 6th of September 2005, pages 8 to 12 of 19 being the first tape. I'll give you a copy, Mr Young?-- Thank you. Thank you.

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Now, at that point you discuss a function, and this relates to a function held by Mr Shepherd. It starts at about line 262 on page 8?-- Yes.

Is there anything that - well, rather than ask you is there anything you wish to add, could you just tell us in relation to this issue essentially what your concern was? Or what your concern is?-- Okay. The issue I've referred to here was the fundraising function of Councillor Shepherd with regard to his 2008 election campaign. In the creation of the submission to the Minister obviously a number of people knew that I was trying to prepare such a document and on an occasion I had a discussion with Councillor Sarroff. He offered some information about this function. I said, "Well, I'm trying to be accurate here, I want reliable information." He'd had a discussion with Councillor Molhoek and that's what I'm relating here to the officers of the CMC.

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Well, does this - does this add - is all of this information that you relied upon from Mr Sarroff?-- It was directly and he himself, and I spoke to him on two separate occasions about this and-----

All right. So there's nothing in the concerns which you express in the transcript at this point where you're relying upon information other than information that you received from Mr Sarroff. Is that-----?-- That's correct, yep.

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All right. Well, I tender those pages, Mr Chairman.

WITNESS: Can I-----

CHAIRMAN: They will also be part of Exhibit 233.

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ADMITTED AND MARKED "EXHIBIT 233"

WITNESS: Could I just go back to your question, Mr Mulholland, earlier. You said what's my concern here. I mean the concern wasn't necessarily the fundraiser and the concern wasn't even the amount of money raised. What I tried to

submit to the Minister was that there's a public - there would be a public concern about a councillor who's positioning himself as the hub for all developers to approach upon - and in which-----

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If it were true?-- Pardon me?

If it were true, is that what you mean?-- If what were true?

Well, if this - the information that had come to you from Mr Sarroff?-- Well, there was a function and developers and others no doubt were invited. Developers did purchase tickets, you know, some several thousand dollars each, I understand. The only - there were certainly wrong statements in my submission and I don't decry from that. I indicated that there was a sum of \$50,000 raised including a donation of \$30,000 that was clearly and plainly wrong and-----

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In what respect?-- The amount is wrong, the amount was really in the order - I've seen a document from - that Councillor Shepherd has submitted to the CEO indicating the net sum raised was 9,200, I believe, and that's a matter that I'll address separately with Councillor Shepherd in - because the intention there was not to-----

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Well, it's a long way out, isn't it?-- Well, it is, yeah, and I indicated in my submission to the Minister that I had reliable information and that was clearly unreliable. But I did approach - or Councillor Sarroff and I spoke twice about it. The first time he gave me the information I said, "You need to check on that," and he did and he said that Councillor Molhoek had a copy of the invitation to the event, that it was definitely \$50,000, definitely \$30,000. Now-----

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Well, let's deal with it on the basis of what we know to be the case then so far as what Councillor Shepherd has disclosed. What concern remains?-- Well, the concern is the principal concern. The amount of money isn't a concern. The concern is that Councillor Shepherd is promoting himself as the - as the hub, if you like, for all developers who have - for making development applications to approach him and he would-----

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Well, why do you say that?-- Well, that's become evident to us in some of the planning agendas. That's become evident to me in that developments in my area Councillor Shepherd is involving himself in discussions with the applicants and with officers without me even knowing about these things.

Well now, he's the chairman of the committee-----?-- That's correct.

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-----appointed by council?-- That's correct.

So why would he not be the appropriate person to go to if a developer wanted to have some unresolved matter dealt with?-- The protocol has always been that the divisional councillor is involved in those sorts of discussions. That's

been a long standing fact. That has ceased to become the way things are done and so I - I find out about Councillor Shepherd's involvement either through reading an agenda item later on or some other means.

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Have you taken the matter up-----?-- And that-----

-----with Mr Shepherd?-- No, I haven't.

And why is that?-- I suppose it just hasn't occurred to me to actually talk to him about that. I've just felt it unhealthy.

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If - if the concern that you have is - and it might be a wider concern than this, and if so you'll tell us; but if the concern is that you are not being consulted in appropriate cases so far as developments in your area are concerned-----?-- No, that is not the concern.

That is not the concern?-- The - the concern is that the Local Government Act requires councillors to act in the public interest and to make sure that there is no perception of the public interest being undermined and-----

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So would your position be the same in the case of a chair of the previous North Planning Committee or South Planning Committee? That is to say to be inappropriate for a developer to feel that they had a ready reference point?-- What I'm trying to - what I tried to articulate to the Minister in my submission was this, that-----

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You just leave aside what you tried to articulate to the Minister, just deal with it on the basis of what your present concern is, Mr Young, in relation to this?-- My present concern is the perception that the public interest may be undermined by relationships between councillors and developers.

Right?-- Whereby certain councillors are promoting themselves as a focus and then they are inviting people with development interests to fund raising functions. Now, the people I speak with, just ordinary folks, about that sort of thing, they did have a concern. They believe that there's a perception that there may be something - that something untoward might happen. And I've not suggested that that's the case with Councillor Shepherd. I just submitted that the public perception is that that may be unhealthy; that it may lead to the public interest being compromised.

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So I understand your point in relation to developers going at least, in the first instance, through council officers, but in a situation where there was something unresolved at - at that level, then is there any harm in the developers concerned going to the chair of the committee?-- I don't think there's any problem any developer approaching any councillor necessarily.

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Right?-- It's - and I haven't identified that there's been any wrongdoing. I have said to the Minister-----

It's a perception?-- -----"This is an unhealthy perception in the eyes of a community." And the CMC itself issues a document which talks about public perception. It says - it puts a lot of emphasis on that. I'm not-----

So does it really - does it really come down to this? That your perception of what has happened here is, as you put it, Councillor Shepherd promoting himself as a person that developers can come to and further than that, holding a function at which developers are invited to contribute? Is that what your concern comes down to? The perception created?-- It is.

The public perception?-- It is. I'm not alleging any wrongdoing on the part of Councillor Shepherd or any of those people going along, it's the public perception and that's a very strong element of the Local Government Act and, as I said, the CMC document that we were all issued places a lot of emphasis on that. The fact that - that public perception is paramount-----

So public-----?-- -----and that all attempts should be made to ensure that there is no perception of conflict of interest, or there is no perception of the public interest being undermined.

All right. So a concern as to the potential conflict between public and private interest?-- That's correct.

Have I tendered that, Mr Chairman?

CHAIRMAN: Yes, that last one-----

MR MULHOLLAND: Yes.

CHAIRMAN: -----became part of Exhibit 233.

MR MULHOLLAND: Now, can I ask you now to go to record of interview - I'll show you these transcript pages; record of interview, 4th of August 2005, second and third tapes, 21 of 23 through to page 5 of 18. Now this - this issue - first of all look at those pages. This concerns the company, Yarrayne. Is that the correct pronunciation?-- Yes, the pages look fine, Mr Mulholland, and Yarrayne is the correct pronunciation.

All right. And this also is related to Councillor Power's return?-- Yes, partly.

Now, does - you there in those pages address the concerns that you have in relation to this particular matter; is that correct? One of the concerns is, I gather, a complaint about the fact that the "Y" was missed out in Councillor Power's return, so what you had was, it was referred to as Yarrane, Y-A-R-R-A-N-E, without the "Y" before the "NE"?-- And the address was wrong.

And the address was wrong?-- Mmm.

Right. Is that it, or is there more to it than that?-- No, that's not it. The-----

Well, you just go on and tell us?-- This relates to a matter that I understand has already been part of the testimony of others.

Yes. Now, the committee - you refer to a committee meeting in the record of interview. You weren't present at that committee meeting?-- No, I wasn't.

So your knowledge in relation to this issue comes, what, through other people?-- That is correct, in the sense of that committee, yep, and-----

What committee are we speaking about?-- That's the City Planning Committee.

Yes?-- And well, this testimony - sorry, this record of interview relates to the submission I made to the Minister and in that submission, or a part of that - and in that submission I've clearly said to the Minister, "This is a matter that someone else has already made a submission. These are the principal points of concern."

Yes. So this - your information really comes from Mr Sarroff in relation to this issue?-- And debate at the Council meeting-----

Right?-- -----which I did attend.

All right. Can you express briefly, having regard to the fact that you were not a member of the committee, the concern that you have in relation to this issue?-- I believe I was a member of the committee at the time but I was absent. My concern was that it seemed apparent that an outcome sought by Council Power at the Planning Committee was to allow a greater yield on this particular subdivision by enabling stormwater devices to be located in public parkland.

Well, we've heard, as you would gather, a good deal of evidence in relation to the matter when Mr Sarroff gave his evidence, so that's why I'm saying, having regard to the fact that he was on the committee and has given that evidence-----?-- Yes.

-----if you wish to add anything please do so, or if you wish to express your concern, if it takes the matter further than what you had said in the tape-recorded interview, do so. Otherwise we'll move on to something else?-- I think the context in which I introduced this matter of concern was that perhaps there was a - that the public interest was being subordinated to the interests of a private individual or an entity in this case, and that that outcome was being actively sought by a councillor who had received funding from that entity, from that company, and-----

The matter - yes, sorry?-- You know, there's no suggestion of a kick-back to Councillor Power as a result of that outcome which in itself would be an offence, but that he had received funds, was now actively trying to achieve an outcome that was possibly subverting or undermining the best outcome for the - in the public interest, and as I said that's an issue in the Local Government Act, the public interest must prevail over that of any individual.

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Right. That company in Mr Power's return is shown as donating \$2000?-- Mmm.

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All right. At any rate, the issue was eventually the subject of a compromise, wasn't it?-- Yes. You might say a compromise.

Which involved Council officers and also the members of the committee?-- I believe it was more - yes, members of the committee after the committee meeting, that's correct.

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And then there was a vote at Council-----?-- Yes.

-----in favour of that compromise?-- Yes, sir.

Well, is there anything else you want to add?-- I spoke with Councillor Sarroff last night. He called me. He was looking for tapes I think yesterday in his - no, in Councillor Crichlow's interview yesterday she was asked to look for some tapes and Councillor Sarroff too, and in his search for the particular tape of the interview he had all the - the discussion he had with Mr Stevens - he had found a tape with the Council officer on site, the meeting he had on site with Councillor Crichlow, and he believes it substantiates his position very strongly and I've-----

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Well-----?-- -----advised him to provide that immediately to the CMC, sir.

All right. Well, thanks for mentioning that. We can take that up?-- Thank you.

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Anything else, Mr Young, on that issue?-- Again, it's a matter of - very much of public interest prevailing and the perception in the eyes of the community as to, you know, was the right outcome being pursued. Ultimately here I think the right outcome was achieved but I don't think that was - I think that was at risk.

Thank you. I tender those pages.

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CHAIRMAN: That also will be part of Exhibit 233.

MR MULHOLLAND: Now, I want to take you now to the record of interview of the 6th of September 2005, first and second tapes, 12 of 19 through to 4 of 17. Would you have a look at this transcript, please. 12 of 19 through to 4 of 17, first and second tapes. Now, again, look at the transcript?-- It looks fine, sir.

All right. Tell us what your concern is in relation to this issue?-- I'll just check if it's all about the one issue, if I can take a moment.

You will see at the foot of the first page it relates to John Fish and Councillor Pforr?-- Mmm. All right. The councillors responsible for creating a planning scheme which indicates the nature of development across the city and within that as components of it there are local area plans. There is a local area plan for the area of Hope island. It's been in existence for some years. The council has had determined in 2003 a - a schedule, if you like, for reviewing local area plans and other work as parts of that planning scheme over a five year period. The review of the local areal plan for Hope Island is not within that schedule. The schedules amended it on two occasions subsequent. Neither of those amendments dealt with the - an amendment or a review, sorry, of the Hope Island local area plan. Immediately after the 2004 election or very soon after the 2004 election, all of a sudden we were receiving agenda items about the review of the Hope Island local area plan. These were being actively supported, or these endeavours were being actively supported by Councillor Pforr who's the local representative. Councillor Pforr received himself some fairly significant sums of money from people who own property on Hope Island and who might be identified as beneficiaries, if you like, of any change to the local area plan.

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You mean Fish Developments; is that-----?-- One of them, but there are a number of companies which Mr Fish is associated, Fish Developments being one of them. Others I've named in this document: Rothment, and so forth.

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Yes?-- And I did provide, I believe, a map of the local area plan area to the office - to the CMC officers identifying the properties affected and they're quite significant in terms of the geographic cover of the LAP area. Those development interests also contributed to the Lionel Barden trust fund. They also contributed to Mr Brian Rowe, the candidate against myself. So, we've got a situation where there's a lot of money gone into certain campaigns and now a local area plan is being reviewed at a very fast rate and there are potential benefits to the landholders of - in that affected area, and the concern is in the public eyes that those people-----

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The two are related?-- Yes, that those entities that have provided funding towards the campaigns did so so they might get a benefit.

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Now, the fact that a review wasn't on the schedules but was, as it were, the subject of interest by Mr Pforr that in itself is not surprising, is it? I mean, if it wasn't on the schedule, he as a representative of the division might well decide that it ought to be?-- Yes, he might and, indeed, the Council did decide that it would review the local area plan.

Right. So do we get back to a perception thing?-- I still think so, very much so.

Right. That it is not coincidental because of the donations which have been made to which you were referred?-- I need to be clear, I haven't beforehand and I'm not now alleging any wrongdoing on the part of Mr Fish or any of those other donators to the various campaign funds, but there is certainly a public perception that there may be - the public interest may have been overwhelmed by the interests of a few wealthy landholders who've been able to put significant capital funds into those campaigns.

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All right. Yes, I tender those pages, Mr Chairman.

CHAIRMAN: They also will be part of Exhibit 233.

MR MULHOLLAND: Now, I want to address the - an issue which already has been the subject of a good deal of evidence, and this concerns a rates discount to Sunland?-- Yes.

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That was given in November of 2004. Again, just to bring this issue to mind, this relates to a company, Calm River Pty Ltd, and a discount of \$13,822.45 in relation to the payment of a rates notice issued on 28th January 2004 and due on 2nd March 2004 and paid on 25th March 2004, and the Commission has heard evidence that there was a committee meeting in relation to - which included this matter as an item on 8th November 2004 and then a Council meeting on 22nd November 2004. Now-----?-- I'm familiar with the matter.

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All right. Now, what is your recollection of what happened in relation to this matter?-- I wasn't at the meeting of the finance committee but subsequently there was some media attention, I believe, to that matter. If there wasn't media attention, my attention was certainly drawn to it by members of the committee. The officers' recommendation had been overturned by the committee and my concern then was that there didn't seem to be any legitimate reason for that given the information that we had in the agenda item prepared by the officers.

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Well now-----?-- So my direct involvement then became at the Council meeting-----

At the Council meeting?-- Yes.

In relation to the Council meeting, could you tell us this: you may or may not know that there's some difference of opinion as to who actually moved the motion, whether it be Mr Molhoek or Councillor Shepherd?-- I can't help you with that. I've just relied myself on the record of the Council meeting as in the minutes. They were adopted subsequently. That doesn't necessarily mean they're right but-----

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By the time that this matter came before Council, you would have been aware, I suppose, that Sunland by virtue of the

returns that have been put in, Sunland of which Calm River was a subsidiary had donated \$10,000 into Hickey Lawyers Trust Account on 28th January 2004?-- I was aware of that.

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Were you aware that between the committee meeting on 8th November and the Council meeting on 22nd November 2004 that Sunland had donated a further \$7700-----?-- No.

That finalised the amounts owing to Quadrant in relation to the election campaign?-- Sorry to interrupt. No, I had no idea of that until this public inquiry began.

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Right. Now - well, would you just care to state - let me approach it this way: there was a recommendation of Council officer that the - or by Council officers that this discount not be granted?-- That's correct.

And in the end the discount was granted. Did you know of any comparable circumstances prior to this where a discount had been granted?-- None whatsoever. It was extraordinary to me. I'd been a member of the finance committee from 2000 - sorry - yeah, 2000 until 2004 elections. I was the deputy chair of that for quite some time. It just seemed - it was very unusual.

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I might say, Mr Chairman, that since Mr Sarroff has given evidence, he has provided a further memorandum which I seek to tender now. This is a memorandum - first of all, it's been sent by way of an email to the Commission of 11th November 2005, which I'll tender. The memorandum is a memorandum addressed to the Mayor and all councillors with a copy to Mr Dickson, the Chief Executive Officer, from Mr Finlayson, Director, Organisational Services, of 10th November 2005, and its specific subject is, "Rate discounts, special circumstances and Calm River Pty Limited Finance item." I'll ask you to have a look at a copy of this, Mr Young. I'll tender it shortly, Mr Chairman?-- Thank you. I'm aware of this.

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You're aware of it?-- Yes, sir. I was going to introduce it myself.

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Sorry?-- I had intended to bring it to your attention if you weren't aware of it already.

Right. I beat you to it?-- Yes.

Well now, did you get a copy from Mr Sarroff?-- No, I received a copy perhaps through my PA, I'm not sure.

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What, recently, you mean, or at the time?-- On - would have been the 10th or the 11th. I believe it was emailed to all councillors or their PAs.

Yes. Yes, as it suggests. Well now, this deals with the background; I'll just read some salient features of it. Mr Dickson writes, "I refer to my memo to Councillor Molhoek of 3rd December" - sorry, from Mr Finlayson?-- Yes.

"I refer to my memo to Councillor Molhoek of 3rd December 2004 copied to all councillors regarding granting discounts for late payment due to special circumstances as per section 1021 of the Local Government Act 2003. Recently officers in OS" - that is Organisational Services - "have received requests to provide fresh copies of the memo to some councillors." Now, it sets out the background, states - quotes from section 1021 of the Act and in particular the reference to the circumstances being required to be "beyond the person's control"?-- Mmm.

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And it quotes from the agenda item - I won't refer to that. It deals with then the - and part of what it quotes from is this particular item - this is at the top of page 2, "In this instance council correctly discharged its responsibility by issuing the rates notice to the correct address as advised at the time. The failure on behalf of the applicant is not recognising the rate notice as belonging to them is not considered to be a circumstance beyond the person's control. The other factor is that the rate notice contains other identifying information such as the address of the property and the description of the property or properties being rated. At Finance Committee" the memorandum from Mr Finlayson goes on, "the committee adopted a different interpretation from the officers and determined that special circumstances applied to warrant the granting of this discount. The Finance Committee altered the officers' recommendation and this decision was confirmed by council." Then Mr Finlayson says this, "Although my memo of 3rd December 2004 indicates there may have been a number of instances where discount has been granted due to special circumstances, past practice and procedure had indicated that council would decline the request where the ratepayer had supplied the wrong information about their mailing address, in this case due to incorrect or out of date information being included on the Calm River transfer documentation. Previous payment history is not considered relevant to assessing whether a person liable to pay rates has been prevented by circumstances beyond that person's control from paying the rates in time to benefit from the discount." Then various examples are quoted, recent examples of special circumstances so called, special circumstances being put in quotes. And if you go then - I'm not going to read all of this, but if you go to page 3 under the subheading, "Discount Request Reason" Mr Finlayson says, "In relation to the queries raised by the applicant ratepayer and subsequently at council regarding suggesting all other rate notices or formal council correspondence had been sent to the applicant's P O box as opposed to the Level 18, 50 Cavill address, OS officers are unable to determine whether all council initiated correspondence for the applicant goes to the post office box referred to. The address the rates notice issued to was the address advised by the property owner or their agent. The address for service of notices after possession recorded with DNR" - the Department of Natural Resources obviously - "and as shown on the form 24 property transfer documentation dated 3/10/03 advised, 'Level 18/50 Cavill Avenue, Surfers Paradise.' Council acts on the address for service of notices

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as advised by the property owner or their agent and does not change that address unless specifically advised to do so. The notice of intention to instigate legal proceedings that prompted Sunland, Calm River to first write to council in March 2004 was also addressed to Level 18/50 Cavill Avenue, Surfers Paradise. Calm River indicated to us by letter on 18 June 2004 that they'd changed floors from Level 18 to Level 14 in February 2003. That being the case it is unclear to OS why the form 24, issued some seven months later, indicates the Level 18 address as being the applicable address for service of notices." And so on. And then, under "Relevance of Prior Payment History" essentially Mr Finlayson states - or repeats what he's already said, and then goes on, "As mentioned earlier our current approach is that payment history is not considered relevant to an assessment under section 1021. The approach adopted by council officers in this case was consistent with the approach adopted by officers in relation to other ratepayers." Well now, you say that you received that?-- Yes.

I tender that - the email and the memorandum.

CHAIRMAN: That's Exhibit 234.

ADMITTED AND MARKED "EXHIBIT 234"

WITNESS: Mr Mulholland, may I say something?

MR MULHOLLAND: Yes?-- There was - there is one relevant sentence or two here that you didn't read and that's in the paragraph on page 3 immediately prior to the subheading, "Relevance of Prior Payment History". It says, "Organisational Services is aware of at least one rate notice that issued to Calm River at Level 18/50 Cavill Avenue. The notice was issued on 10 November 2003 and payment was received by council on 17 December 2004." That's one thing that is perhaps relevant. But-----

Yes?-- -----overall, with this and with every other matter that's before the inquiry, it's what was available to the councillors at the time they made their decision.

Yes?-- It's the information that they based their decision on which is relevant, not just some minute from December 2004, or even this one. I think the really relevant issue that Mr Finlayson has identified here is the underlined sections which come from the agenda report that was presented to the council, which council made its decision based on, and decided to ignore it effectively in regard to the precedents that councillors - officers had identified was of concern, the conflict with section 1021 of the Act and so forth.

Just in relation to - I mentioned the amount of \$7700 that had been paid by Sunland in between those two dates, if you had

known of that what would you have done so far as this particular item is concerned when it came to Council, if you had known of that?-- I think I would have hit the roof. I think that the - well, it would have formed part of the debate, obviously.

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All right. Well, is there anything - as I say, the Commission has received a good deal of evidence on this?-- Yes.

Is there anything you want to add to the body of evidence we already have?-- I'm sure it seems like a small amount of money in the scheme of the millions of dollars that Council gets through its rates payments each year but the fact is this was an exceptional matter brought before the committee and it was dealt with in exceptional - an exceptional way which I don't think is - can be substantiated. It wasn't then and isn't now, and I think it brings into question the - the probity of those who made that decision.

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Yes?-- Thank you.

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I tender that, Mr Chairman.

CHAIRMAN: Yes, that is already taken into evidence as Exhibit 234.

MR MULHOLLAND: All right. Now, there are a couple of matters that I want to raise with you, Mr Young. There has been some evidence given by Mr Pforr and I'll mention it to you. I expect that you are aware of it. Mr Pforr spoke of Mr Fish's dealings with you over the Environment Court application and you recall his evidence in relation to essentially what was suggested to be an offer by you that you would withdraw the appeal if Mr Fish bought your house?-- Yes.

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Now, this was dealt with at pages 292 to 294 of the transcript and also at page 451. What do you say in relation to that? You're aware of the allegation then?-- Broadly I am, yes, sir. It's an allegation I reject absolutely. It's - it's not the way I do anything and I certainly had a conversation with Mr Fish in November 1998. In fact, my diary indicates I met with him twice.

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In 1998?-- Well, in the period of that Planning and Environment appeal. I probably met with him a number of times but he was a director of a company that owned a property adjacent to me. He was trying to pursue a development there and we had had a number of conversations over a period of years and he and I didn't get along at all.

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Sorry, he and you didn't get along?-- He and I were very - we were foes. At - by this point in time, he or his company Jefferson Properties or the company he was associated with then had instituted defamation proceedings against me over a matter whereby I had nominated to the Council that they had been undertaking unlawful activities on the site. That proved to be true. They were required to reinstate all of the things that they had done, but he was pursuing that or his company

was pursuing that defamation. So we had - there was some aggravation between us. The Planning and Environment matter was about a property completely remote from where I live and the issues that I - it wasn't - the only one I was pursuing at that time, I used to as a private citizen pursue a number of outcomes that I believed were in the public interest and this was one of those. Ultimately the decision was made in the consent order to reduce the yield on that development to achieve a greater degree of open space contributions for cycle-ways and so forth. And we had a meeting or two meetings-----

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Do you have a date of those meetings?-- Yes, sir.

Just tell us what you're referring to?-- I'm just referring to my diary, my work diary if you like, from 1998 and I've got two entries. The first is-----

Just refer to it and tell us what the dates are which-----?-- The first entry is on the 26th of October and-----

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1998?-- Yes. And it - I've just got an appointment scheduled in for 9 o'clock through to 11.00. I've marked that time out - with John Fish.

What does that suggest to you?-- That I - we had an appointment specifically to have a meeting.

You and Mr Fish?-- That's correct.

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Yes?-- And subsequently on the 2nd of November, 11.30 I have an entry "John Fish".

Right. And-----?-- And my diary has indications of the work hours that I claimed against the - in the contract that I was working on at that time and the diary entries for those times support that I would have had those two meetings but I honestly don't recall having two meetings with him specifically.

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Yes?-- So I do recall we discussed the appeal. I said, "There's just no way, you know, that I'm not going to pursue that. These - these matters are of - are legitimate" dah dah dah, and in one of those conversations, and I can't recall which one, I said to him, "Look, you and I, John, we just don't get along. This - we're always going to fight about stuff. The best way we can deal with this is just to get away from each other." As I said, he was - he had an interest in the property adjacent to mine. I said to him, "John, I'll buy your properties. All I've got is 600,000. I'll give you that. Or you buy mine for a million." It was not in the context of the Planning and Environment appeal that I was pursuing; it was never offered as a bribe; it was never - you know, the - the suggestion of there being a bribe is quite ridiculous. If you analyse it, here I was running an appeal against the Council and this property developer and, you know, they had a lot of lawyers and barristers and expert witnesses

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and I had myself. The likelihood of me really achieving a significant outcome in the public interest was pretty slender in those - against those sort of odds and I can't see why he would have even been tempted to offer a million dollars for my property if I should settle the appeal. It's just - it's preposterous and - and it never happened.

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The way Mr Pforr put it was - this is reporting what Mr Fish said?-- Yes.

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Or put at 292, referring to his statement in relation to this, "Mr Fish also commented during that meeting on difficulties he was experiencing with Councillor Peter Young, in particular a resort style development at Sickle Avenue, Hope Island, and that Councillor Young had dragged him through the Environment Court. Mr Fish alluded to a conversation he had and which he allegedly had taped" - "and had allegedly" - sorry, I'll read that again - "and which he allegedly had taped over this application and land that was owned by Councillor Young at Oxenford that he wished to sell. I personally did not hear the tape recording but Mr Fish mentioned it to all present." Well, do you know anything about a tape recording?-- No. He certainly didn't indicate that to me. I did - I recall seeing, when I was in his office once, a tape that identified it was a copy of a Council meeting - the tape of a Council meeting and that struck me as pretty odd.

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How do you know that it was a tape of Council meeting?-- The - the cover had a label which said Council Meeting such and such a date. I just recall that but that was the only recollection I have of any tape.

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Well, are these tapes accessible by-----?-- The public?

-----by the public?-- I don't think so. I've never had a request or provided one to anyone. They're generally provided upon request to the Councillors and I don't - I don't know if there's any restriction on their being made available to any other people.

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All right. Well, anything else that you want to add to what you've said concerning this allegation?-- Yes, well, there was another part there where - by - it was alleged that I'd - do you mind reading a little bit from Mr Pforr's statement again where it's alleged I'd acted improperly or something? Was that just with regard to the P&E appeal or?

No. He's simply saying this, "I explained my obligations" - he's speaking about a meeting that he had with Mr Fish. This is on the 23rd of February 2004. I don't think I mentioned that earlier. And he goes on to say, "Mr Fish also commented during that meeting on difficulties he was having - experiencing with Councillor Peter Young, in particular, a resort-style development in Sickle Avenue, Hope Island"?-- Right, thank you. So the difficulties he's encountering with Councillor Young. Obviously, the P&E appeal was 1998 and I wasn't a councillor then so he's - what he's alluding to, and I think Mr Nyst has made mention of this on a

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number of occasions, is that I was dealing improperly with him or something like that. I've been through my records, telephone calls received from Mr Fish during the period 2000 to 2004. He had a development interest within division 5 as it was then. The boundaries changed in 2004. And my records - and you're quite welcome to have them of course - indicate that I dealt with his request promptly, expediently, and no different from that I would do with any other person. And they were requests related to his development where he had concerns about officers doing - wanting this or that.

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All right?-- I don't - you know, I reject any assertion or allegation that I might have not dealt with him in a professional sense as the elected representative of the area.

Yes. Now, I want to take you to a complaint which is dealt with in some material that I'm going to show you. And this concerns a company Cater Proprietary Limited. This is a company which is disclosed in your return. Now, before I go to the complaint, I'll perhaps pass it over. In relation to your return, did you make a disclosure in relation to that company?-- My election gift?

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Yes?-- Yes, I did.

And was that a sum of - in your final return of the 3rd of July 2004, you had included a gift from Cater Corporation in the sum of \$5,000 which gift was donated on the 2nd of March 2004?-- That's the details I've provided in my final return, yes.

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In your final return. So far as your interim was concerned, was there any reference to Cater?-- Yes, there was.

Right. In the sum of?-- Only \$3,000-----

\$3,000?-- -----and the same date, 2nd of March.

All right. Now, did you become aware of a complaint being made in relation to that non-disclosure, the non-disclosure in the interim return?-- I don't believe I did.

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So have you been made aware of any issue that arose over your non-disclosure?-- Yes, I am aware of that. I was provided a memorandum which had been prepared by the City Solicitor for the Chief Executive Officer that addresses this minute.

Well now, if you look at what I put in front of you, you will see that the Council has provided to the Commission information in relation to yourself by e-mail of July the 18th, 2005?-- I see that.

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Now, you have been provided with a copy of this more recently. Is that correct?-- On Thursday of last week.

Yes.

CHAIRMAN: Mr Mulholland, is there another copy of that that I can see? 1

WITNESS: Sir, you can have mine because I have-----

CHAIRMAN: You have a spare? It will be handed across, thanks. Thank you.

MR MULHOLLAND: Yes. Now, there is - first of all, in relation to the 3,000 and the 5,000, if you go to the second page, about half a dozen lines up from the foot of the page, a bit more than that. "On the 5th of April 2004, Councillor Young complete an interim return of electoral gifts disclosing a donation of \$3,000 on the 2nd of March from Cater Corporation. On the 8th of April 2004, Councillor Young executed his declaration of office. On the 20th of May 2004, Councillor Young purported to amend his return by changing the amount of the donation from Cater Corporation from 3,000 to \$5,000. The date of the donation remained unchanged as 2 March 2004. On 3 July 2004, Councillor Young completed a final return of electoral gifts disclosing the donation from Cater Corporation as being \$5,000 and the date of the donation as being 2 March 2004. On the 10th of May 2005, the Chief Executive Officer received from Councillor Young a memo where he admits that the final return of electoral gifts at 3 July 2004 is incorrect because a donation of \$5,000 from Cater Corporation was received on the 20th of February 2004 and not on the 2nd of March 2004 as previously indicated. Councillor Young's interim return of 5 April 2004 discloses not only an incorrect date for the donation, 2 March 2004 instead of 20 February 2004, but also an incorrect amount with a donation \$3,000 instead of \$5,000. That return was lodged by Councillor Young immediately prior to take his declaration of office pursuant to section 242(1)(a) of the Local Government Act"?-- Mmm. 10
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Now, just dealing with that particular matter?-- Yes.

Would you just express those changes and tell us the circumstances in which they occurred?-- I can. I received the gift of \$5,000. I made a note somewhere at the time. I was keeping records myself of donations. I was very diligent in trying to capture every donation no matter how small it was. The Local Government Act requires you to identify gifts of more than \$200. I was indicating - I was disclosing or preparing to disclose the name and address of people who were giving me \$5 and up. I - I don't know how I did it but I inadvertently, in my own records then, put down \$3,000 and that date, I probably had a few cheques come at once or something like that and just gave them a common date. Then subsequently, after the election, I realised that I'd made that error, that in fact it was \$5,000. 40
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What, you reviewed your return?-- Yes, in a post-election - or after the - all of the hassle of the election in that quieter time I was starting to review my documents a bit more closely, go through things that I'd need to be keeping and just trying to organise my records. That's when I realised that the date

- sorry, that the amount was wrong and I wrote immediately to the CEO and sought to change my interim return. Prior to that, I mean, I'd - I was - I'd relied upon my original handwritten notes and recorded that on a computer then I provided that to the Gold Coast Bulletin when they'd asked us to provide information as to how much money we were getting, so it was just a chain of errors, if you like, leading from that very first error.

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Yes?-- As soon as I became aware of the real value I made that apparent to the CEO prior to the lodgement of my final return.

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Right?-- It's a genuine mistake, I've indicated to the CEO and I'm aware of the consequences and - and never drawn away from that.

Right. Now, the other matter in 2005-----?-- Is the date.

Yes?-- I was - I wrote to Cater Corporation because it was unclear when they had paid for some gifts which are not related to the election and I needed to get my gift register up to date. So you're aware, of course, they're two different registers, one being for the election, and one, just a general gift register, and in seeking that information Cater Corporation said, "Here's the dates of the money we've given you," and they included within that information a reference to the \$5,000 that they'd paid on the 20th of February. At that point in time I realised that the date was - that I'd always provided was wrong. It wasn't the 2nd of March, it was the 20th of February, and I wrote to the CEO accordingly.

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All right. And was that-----?-- I provided that without any prompting.

And is that part of the documentation I passed to you?-- I passed my documentation to the Chairman, I'm sorry, but I believe it is.

This is a memorandum of the-----?-- 6th of May.

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-----6th of May?-- Yes.

All right. And you-----?-- And again in there I've indicated the mistake is entirely mine. I was responsible for keeping my own records and I realise that it exposes me to offence provisions.

All right. All right. Yes, now - all right, well, that's - that's all that you want to say in relation to that particular issue. Can I take you to another matter referred to in this communication received from the council by the Commission. This is on page 2 also?-- Mmm-hmm.

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What it says is, you see the paragraph commencing, "In addition"?-- Yes.

"Councillor Young's memorandum to the Chief Executive Officer," so Dale Dickson, "dated 6 May 2005 and received

10/5/05 included in attachment D, Electoral Gifts Return, has attached an e-mail from Cater Corporation confirming and stating that Councillor Young received gifts to the total value of \$1,770 from Cater Corporation Pty Ltd. It states that Cater Corporation paid the local newsletter the following sums on Councillor Young's behalf: 22/5/04, \$450; 1/7/04, \$440; 23/7/04, \$440; and 25/8/04, \$440. The above raises the question of Councillor Young's knowledge in 2004 of receipt of gifts to the value of \$1,770 from Cater Corporation and the failure to properly declare those gifts in his register of interests." Now, could you address that particular matter please, Mr Young?-- Yes. As you would know, councillors are obliged to maintain the register and inform the CEO of any changes within three months of changes relevant to the register of interests, whether they be property holdings or bank accounts or gifts as in this case. This was one of those things that I knew I had to attend to and that I had sort of left at the bottom of the pile. I just dealt with a lot of other things and left that one lie. Finally, I approached Cater Corporation and said, "Can you please give me that information, I need to update my register." I had, in 2004, determined to take a second page in the local newsletter to - the council funds one page or through an arrangement the councillors are provided one page to put in community information and I decided to purchase a second page just to give me an opportunity to put more in there. The - my ability to finance that quickly couldn't be sustained so in one of those newsletters I wrote, "Look, if anyone wants to help chip in, you know, if you think this is important to get this - keep this second page coming let me know." Cater Corporation approached me and said, "We'd like to do that." I made all that public. I wrote about that in the next newsletter. I said they've made this offer, I don't have a problem with it, I've accepted their offer. Subsequently I received invoices from that company, the newsletter company. I would have forwarded them to Cater Corporation. They subsequently paid them. I didn't make myself aware when they had paid them, which is my failing. So I didn't amend my register within three months but I was becoming aware that I better get to this register because it's been a long time, you know, I've - I've sort of let it lie for too long. I wrote to Cater, they provided me the information. I nominated that to the CEO. I said, "Can I please amend my register of interests in accordance with the provisions of the Local Government Act," and I identified in that memo to him dated the 17th of May - do you have that?

Yes?-- Not only those gifts relevant to Cater Corporation but a number of other functions which I'd had benefit or sponsored hospitality benefits, these being for attendance in the corporate box at Indy and racing functions sponsored by the turf club. You know, I was-----

Can I see that document that you're referring to?-- Yes, sir.

I thought we had it but-----?-- This is a memo dated the 17th of May from myself to the CEO.

Maybe we don't have it?-- You're welcome to it.

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Would this create a problem for you if we were to take that from your file now?-- No, that's fine.

We could provide a copy and perhaps add it to the exhibit which I will tender. Yes. I'll tender that together with the documents which I've passed up to Mr Young.

CHAIRMAN: All right. They will all be then Exhibit 235.

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ADMITTED AND MARKED "EXHIBIT 235"

MR MULHOLLAND: Now, Mr Young, just in relation to this, is there anything further, before lunch, that you want to add in relation to those two items?-- Thank you. There is another piece of correspondence that may be relevant to that which you may not have. The first thing I want to say is I've never - in both of those matters, I've provided the information on my own - of my own volition without any prompting both in May 2004 and in those two occasions in May 2005. In both occasions - all of those occasions, I've identified in the memos. I accept that I have responsibility and that it's-----

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You don't need to say that again, you've already said that?-- Thank you. The other document I have is a memo - the memorandum is to the CEO. It is from the City Solicitor. It is dated the 15th of June 2005 so it's subsequent to the memorandum I've just handed to you.

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Yes?-- It was first provided to me under cover of a confidential memorandum on the 6th of July so I saw this a couple of months after I'd made those submissions.

This is from the solicitor?-- City Solicitor to the CEO.

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Yes?-- It deals with three issues: whether the Mayor has failed to comply with the electoral obligations in regard to advertising for his election; it deals with my failure to comply with electoral disclosure obligations in relation to the gifts-----

Yes?-- -----and also to the failure to change register of interest. This document is at least the City Solicitor's analysis of those three matters and I don't know if that's been provided to the CMC-----

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All right. Well, look-----?-- -----but I think it may have some relevance.

Well, can we do this? We'll provide that as - we'll make that part of the exhibit and we can consider that over the luncheon adjournment and perhaps I'll take you back briefly to it after lunch?-- Certainly, sir.

Thank you.

MR NYST: Could we get copies of these?

CHAIRMAN: That can be part of Exhibit 235. I'm sure you will. We adjourn till 2.20, thank you.

THE HEARING ADJOURNED AT 1.10 P.M. TILL 2.20 P.M.

THE HEARING RESUMED AT 2.25 P.M.

PETER JOHN YOUNG, CONTINUING:

MR MULHOLLAND: Thank you, Mr Chairman.

Mr Young, we added that advice to Exhibit 235 before lunch. Is there anything further that you want to say in relation to that issue?-- No, thank you.

Now, can I take you, please, to another allegation? This is one made by Councillor Shepherd addressed to the Commission by letter of the 20th of September 2005. Look at these documents, would you, please? Now, I'll get to the gist of this in a moment but are you familiar with this complaint?-- I did read about this in the newspaper. Councillor Shepherd spoke with the newspaper about advising the CMC on this matter and on Thursday of last week, I received a copy of this document.

All right. Well now, let me just refer briefly to what the matter is about. The letter of the 20th of September 2005 of Mr Shepherd says, "I refer to the attached documents that I consider to be an instance of official misconduct on the part of Councillor Peter Young in voting on an item before Council's City Planning Committee and subsequent ratification by full Council on 8 October 2004. On this occasion, Councillor Young declared a material personal interest and removed himself from City Planning Committee during discussions on item 11 CPO4 1005.011. However, during formal adoption of the committee reports in full Council" - sorry, I'll read that again - "However during formal adoption of the committee reports in full Council, Councillor Young failed to declare the interest and continued to vote on this matter. It is my understanding that the grounds for the declaration of interest were that Councillor Young was involved in an appeal before the Planning and Environment Court and, as such, had a considerable involvement in this particular item. As you can see from my memo of 22 October 2004, I had referred this matter to Council's Chief Executive Officer under the

presumption that this matter would be referred to the Crime and Misconduct Commission for investigation and in light of the current inquiry into misconduct within the Gold Coast City Council, I believe it is appropriate for me now to draw this matter to your attention." And accompanying that is the memo referred to, that is from Councillor Shepherd to the CEO of the 22nd of October and also minutes of the meeting of Council on the 8th of October 2004 together with the minutes of the City Planning Committee of the 5th of October 2004. And finally, there is a reference to declaring a material personal interest, a three-page document. Now, what do you say in relation to this allegation?-- Mr Mulholland, the first thing I need to point out is in the second paragraph of Councillor Shepherd's memo, he mentions that this is a - that I had declared a material personal interest at the committee meeting.

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Yes?-- That's not correct. What I declared at the committee meeting, and it's reflected in the minutes at the top of page 98, is that I declared an interest-----

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You're referring to the item, "Councillor Young declared an interest and left the room during discussion and voting on this item"?-- Yes. So the distinction has to be drawn between "material personal interest" and a - what is the other - I'm sorry?

And "an interest"?-- "An interest", yes. Where a material personal interest is something whereby the councillor might receive a benefit or a dis-benefit from the outcome. This matter deals with a planning appeal. I think the approval was made by Council in 1998. That'd be probably clearer from the agenda item. Yes, December 1998, Council refused a particular proposal. As a private citizen, I'd been a submitter to the Council on that matter and I had, in fact, raised a number of issues of concern to the Council including the viability or sustainability of some environmental corridors because there was a conflict between those corridors and a proposed roadway. When this matter came to - and, sorry, that appeal remained alive, and I was a respondent by election to it, until - up to December 19 - sorry 2004 - October 2004. So-----

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So you had-----?-- When the matter came before the committee - I'm sorry, shall I continue?

Yes. You go ahead?-- When the matter came before the committee, I obviously recognised that I had an interest in the matter, that I was still party to the appeal. I didn't actually agree with Council's or the recommendation of the officers. They, in my opinion, were being a little light weight on some of the conditions that they were recommending that the Council agreed to. I didn't enter into debate and the records show the - what happened correctly. I left the - I declared an interest and I left the room. When the matter came before Council, all of the planning matters would have been presented to the full Council by the chairperson, Councillor Shepherd. He would have said to the Mayor, in turn

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each committee chair will do this, "Mr Mayor, I present the minutes of the planning committee of the meeting on the 5th of October" and-----

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Including this one?-- Yes, including this. The minutes would have been received. The Mayor would have said, "Any matters?" and at that point in time, any Councillor who wanted to raise a particular item, have attention drawn to it for one reason or another to argue the point or support it or in this case to declare an interest, would have had that - that's the opportunity. I completely forgot, missed that opportunity and as you can see, accurately recorded in the minutes of 8th of October, Council voted in favour of the adoption of all of the recommendations of the committee, which included the settlement of this appeal.

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Yes?-- Subsequent to this, if I might-----

Yes?-- -----because I was a party to the appeal, I obviously had to agree to the consent - I had to give my consent to the settlement of the appeal as well, although I could have furthered it. It's my position that I didn't have a material personal interest. There was - the property is distant from my own and the issues I was pursuing were issues related to social and environmental outcomes, nothing to do with me personally. I wouldn't have had any benefit or dis-benefit from the outcome. Had I pursued the appeal vexatiously, I might have had a dis-benefit I suppose if costs were ordered against me. What I chose to do was argue for more stringent conditions and I sought to do that with the developer and ultimately, that was reflected in the consent order, so I was trying to achieve more stringent conditions than the Council itself had determined to agree to back in October.

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Now, when you speak of material personal interest, to remind everyone, this is defined under section 6 of the Act, that is the Local Government Act, "A person has a material personal interest in an issue, if the person has or should reasonably have a realistic expectation that whether directly or indirectly, the person or an associate stands to gain a benefit or suffer a loss, including a benefit or loss as a director of a significant business entity", et cetera; is that correct? That's section 6 of the Act and then another provision-----?-- Yes.

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-----and I'm going to ask you whether you're aware of both of these provisions, section 244, headed Exclusion from meeting of Councillor with material personal interest: "A Councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees; (a) must disclose the interest to the meeting; and (b) must not be present at or take part in the meeting while the issue is being considered or voted on"?-- Yes.

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Now, you say that you were in fact not declaring a material personal interest?-- That's right; there was no material personal interest. That's still my position and - I declared an interest at the committee meeting because - I think I've

identified beforehand - I think there's a real strong desire in the community and I'm sure there's a perception of conflict. I've done that beforehand. I've declared an interest in matters where I don't have a material interest and I've told the Council what it is and removed myself. On other occasions, I've even told the Council what it is and said, "Look, I don't think I have any interest" or "I don't think my interest in this will preclude me from dealing with the matter" and invite any Councillors to raise an objection, in which case I would leave and none of this ever occurred. So I'm normally very particular about those things. On this occasion, all of the minutes were presented and I just clear forgot, but I don't think it's a real significant issue.

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Yes?-- If I might - I'm sorry, I'm not sure if you're finished with that matter.

Well, do you want to add - if you wanted to add anything further?-- Yes, sir. On the - I have a memorandum here-----

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Does this relate to this matter?-- Yes, it does.

Yes?-- I don't know if you're in receipt of this; it's a confidential memorandum to the Acting Chief Executive Officer from the Council's fraud prevention officer. It's dated the 19th of September 2005, the day before Councillor Shepherd's letter. I'm not sure when I might have received this, but I believe it was distributed to all Councillors.

This is a letter to - to the CEO?-- Yes, sir, to the Acting CEO on the 19th of September and it deals specifically with the complaint about my actions in regard to this matter and I think the Acting CEO issued a memorandum, a covering memorandum, with this saying that he didn't feel that it was - that there was any evidence of a material personal interest.

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What date is that again?-- 19th of September 2005.

Right. And that went to all Councillors?-- Yes and - just give me a moment and I'll find the covering memo. The covering memo's the 20th of September. In fact it's to Councillor Shepherd, copy Councillor Young, from the Acting CEO, title, "Complaint about actions of Councillor Young".

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All right-----?-- "Please find attached a self-explanatory report, which I concur with. Please treat this as a confidential item" and-----

All right. Well, would you add that to-----?-- Would you like that?

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-----that please and I tender those documents, Mr Chairman.

CHAIRMAN: That's Exhibit 236.

ADMITTED AND MARKED "EXHIBIT 236"

WITNESS: Mr Mulholland, there were a number of attachments to this, which was the minutes of the City Planning Committee and so forth, which are already on the record. I don't think we'll need all of those.

MR MULHOLLAND: Well, we've already - we already have those, I think, in the exhibit?-- So I'll just provide to you the Acting CEO's covering memo and the memorandum from the fraud prevention officer, just those documents.

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Oh sorry, you haven't included that in the document?-- They are to be-----

In the bundle of documents?-- I'm going to give you those now.

Oh right?-- But just enclosed with those originally were copies of the minutes that were relevant-----

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Yes?-- -----but you already have those and I don't see any need for them again, unless you require.

CHAIRMAN: The minutes we have of the-----

MR MULHOLLAND: Sorry, I-----

CHAIRMAN: Sorry.

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MR MULHOLLAND: Mr Chairman, I intended to include these documents with those documents that you have there.

CHAIRMAN: Yes, well we'll make them all Exhibit 235. The query I had was the minutes of the City Planning Committee, of the 5th of October 2004 aren't complete here, in that it doesn't give us the result of this particular matter. Can you recall what the result was? Did they - it's a recommendation that Council accept the appellants without prejudice submission and advise solicitors acting on its behalf of its decision, with regard to the conduct of this appeal; was that recommendation accepted by the Committee?

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WITNESS: Do you have the agenda or is it the minutes there?

CHAIRMAN: If you look at the document, you can tell me?-- Oh, sorry, okay. Yes.

I think that's the minutes that's gone to the Council, which has the details of what was considered at the Committee, isn't it?-- Oh no, you don't have the full minutes. Well, I do I suppose and I provide those with the document I've just provided to Mr Mulholland.

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Yes, I think it might be of advantage to have the full minutes?-- Certainly.

MR MULHOLLAND: Mr Chairman can - yes, I was just about to say that I think that the-----

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CHAIRMAN: 236 is right.

MR MULHOLLAND: Right.

CHAIRMAN: I said 236 and then 235?-- And these are those minutes that are relevant, so-----

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MR MULHOLLAND: Could Mr Young have Exhibit 115?

CHAIRMAN: Those minutes that Mr Young handed up to me will be part of 236.

MR MULHOLLAND: Now, this material, I take it, you are aware of under the authorisation of an A Wise. What's that address there?-- Carnation Way, Gaven.

And Community Electoral Alliance?-- Mmm.

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Now, this was some material that went out adverse to you prior to the election of 2004. Is that correct?-- That is correct.

I just want to draw your attention to some evidence given by Mr Janssen in relation to this matter at page 737 of the transcript. When asked by counsel, Mr Boyle, "his is in relation to Community Electoral Alliance. What's that organisation?", Mr Janssen said this. "It wasn't an organisation. The Community Electoral Alliance, if you refer back to my statement, was something that was formed in the 2000 election with Councillor Young as its Chair. It's the group I was involved with in the 2000 election, which included people like Sally Spain, Sheila Davis, Peter Young, members of the Nerang Community Association and various other organisations. While I was very comfortable in putting this material out, what I didn't want to happen was that it would be reflected upon badly in relation to the Nerang Chamber of Commerce. Now, obviously, it's very difficult for me to disassociate my position from that considering the position I hold. However, I wanted to make it very clear this actually came from me, and the person that would understand that the most, of course, would be Councillor Young." And then he goes on to say that, "Community Electoral Alliance was just a name we came up with because of that past association." Did you understand that?-- Not at all. When I read the documents, I was certainly very upset by them. I had people phoning me very upset by them in tears. The documents contain a lot of incorrect information, misleading information, and all I could tell from the documents was, as is printed, that they had been authorised by A wise, and indeed I approached A Wise, or attempted to meet with A Wise, and I went to his property. I was able to identify where he lived from - I don't know, the rates database or telephone book. I wrote him a letter, and-----

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You made contact?-- I never heard from him.

All right. And what about Community Electoral Alliance? I think the point being made by Mr Janssen is you would have recognised where that came from and his association with it?-- Well, no, I think the original - the name of the group that was formed in 1999, or something, was called the Community Election Alliance, and I honestly - I looked at that name and thought, "Oh, that's pretty close. Is that just coincidence?", but I didn't draw any inference from it that it was Mr Janssen or anyone associated with that. I just thought it was a lucky coincidence, if you like.
Yes. All right. Now, could I ask you to have a look, please, at Exhibit 32, number 3, the article as distinct from the transcript of the article?

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CHAIRMAN: So it's Exhibit 3 number 32?

MR MULHOLLAND: Thank you. I'm handing you a copy of the article for convenience sake?-- Just before you do-----

Yes?-- -----I'm not sure if you want me to - sit me with this information or not, but just going back to this document, I mentioned I tried to approach Mr Wise.

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Oh, yes, the previous - the election material?-- I have a copy of a letter that I wrote to a solicitor in Sydney at the time-----

Yes?-- -----because I was concerned about the defamatory nature of the document, and in that letter I-----

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Well, I don't think it's necessary for us to tender that?-- No.

You wrote a letter-----?-- Just to-----

You sought some advice from a solicitor?-- Oh, there was just - I was just seeking to confirm that. I visited Mr Wise's home with a witness. I tried to raise him. The house was open. I couldn't get him. I left my business card with a note suggesting he get in touch. At a later point in time I visited again, still prior to the election, and at this time left a letter with his wife.

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With Mr Wise's-----?-- Mrs Wise, yes.

All right. Thank you. Well, we won't tender that. Yes. Now, would you have a look at that article that I've put in front of you?-- Yes.

You attended a public meeting, as can be seen there, with a number of other people, including Mr Sarroff?-- It wasn't a public meeting. It was a press conference, if you like. A media conference.

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Point taken. Yes?-- Yes, I was there.

And just tell us the circumstances in which you came to attend that press conference?-- On the morning of the 25th of March I

received a telephone call from Councillor Sarroff. He'd seen the newspaper of that day. I don't get the newspaper where I live, and he relayed to me the - related to me the event that - article that was in there, which was about Mr Brian Rowe being identified as the King-maker. You're familiar with that article. And he said he'd already been in touch with a number of media outlets and he was suggesting that a few of us get together and this was our chance to blow the lid, if you like, on this secret developer-backed-----

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Well, just tell us what was the purpose of your attending that press conference?-- Well, we were very concerned about-----

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No, no, your?-- My - I was very concerned; sorry. I was very concerned about Council being overtaken by development interests or interests - sorry, candidates who would become councillors who themselves were backed by development interests. I felt that it was a direct confrontation to a fair outcome for the city whereby obviously the community in my opinion had been severely misled up to that point in time about the existence of a trust fund, about candidates having been brought together and provided logistical and financial support and-----

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What were you hoping to achieve by the press conference?-- I was hoping to expose the fact that there was in fact a highly organised campaign, if you like, to achieve a dominant faction in the Council, and that was going to, in my opinion, be really contrary to the best interests of the community-----

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And were you-----?-- -----and I think at that time I did say very specifically that it was - you know, almost impossible to fight against those sorts of odds with the sort of money-----

Was there any invitation for people who were candidates at the election to declare their position in relation to the funding as to whether or not they were-----?-- Sorry, could you repeat that?

-----backed by such a fund?-- Was there any requirement?

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Was there any invitation to candidates delivered at this press conference as to declare their situation in relation to funding?-- Yes, there was. A number of us made speeches, if you like. I can't recall exactly who said what but I know that it was articulated that - by someone that we wanted people to come forward and identify who their donors were, who their backers were, make it clear to the community and let the community make a decision with that full knowledge.

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Right, thank you. You can return that. Can I just, finally, Mr Young, take you back to one matter you mentioned early in your evidence today, and that related to the question of - I think you used the word training so far as candidates for an election were concerned?-- Yes.

Now, the Commission has heard a good deal of evidence

concerning literature which while available to candidates was or in some cases wasn't availed of by those candidates?-- Mmm.

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And in particular evidence in relation to the state of knowledge of the statutory obligations of candidates. Now, when you speak about training, are you directing yourself to that question as to information being made available to candidates so far as what their logical obligations are, or is it something else that you have in mind?-- I'm aware of a course offered by the Open Learning Institute or a name similar to that. I don't know any details about it. I've never attended it myself. But they offer a course in the lead up to the election for potential local government candidates. Local Government Association, I think, or the Department offered opportunities for people to become better informed about their obligations in regard to election funding and perhaps other matters.

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How did they do that?-- The Department or the LGAQ?

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Yes, the Department?-- I can't say with any certainty. I certainly addressed this on a number of occasions in my newsletter in the months or many months out from the election, just encouraging people who had a legitimate interest in local government to appraise themselves of those things, take advantage of those things. You know, even though my newsletter was addressed to people in my area, I thought there may be someone out there who really wants to stand and they should get informed.

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I'm thinking particularly of legal obligations in relation to disclosure?-- Yes. Well, that's a very small element. It's an important element but it's a small element of obligations of a councillor.

Well, it may be a small element but the evidence here would suggest that few candidates paid much attention to their legal obligations. That's the evidence we've heard so far?-- I would agree with that. There seems to have been some reliance on other people's advice and information, and I think that the role of local government councillor, particularly in a city like the Gold Coast, is so important that it's incumbent upon those people to raise their awareness of their obligations whether it be regarding election funding or a whole host of other matters just so you can sort out the chaff from the wheat, sort of thing.

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So, the training that you're referring to would incorporate at least the statutory obligations of candidates in relation to an election?-- Yes. Well, that would be essential.

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Nothing further, thank you, Mr Chairman.

CHAIRMAN: Thank you. Mr Boddice, did you want to ask any questions at this stage? If you do, you can have another chance later after everyone else has.

MR BODDICE: Just a few matters if I could now, thank you,
Commissioner.

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Could the witness first of all see Exhibit 236 which I think
you might still - Councillor Young, do you still have
the-----?-- What is that?

-----complaint from Councillor Shepherd?-- No.

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CHAIRMAN: Exhibit 236.

MR BODDICE: Just if you could look at the first paragraph.
You'll see that the complaint was that you had voted - it says
in voting on an item before Council's city planning committee.
This is the actual complaint?-- I'm just looking for that.

Got that?-- This is the complaint from Councillor Shepherd?

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Yes?-- That letter.

Dated 20th September 2005?-- Yes, okay.

And you'll see it is in voting on an item before Council city
planning committee and subsequent ratification. Did you vote
in the city planning committee?-- No, I did not.

You declared an interest?-- That's right and I declared that
before the item was even presented to the committee, or
discussed, or anything like that.

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And left the room?-- That's correct.

So it's not correct to say that you voted?-- No, that's not
correct.

All right then, yes, thank you. Councillor, you were asked
some questions this morning in relation to your background
before becoming a councillor?-- Yes.

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And you said that you had worked in a geographic-type area, I
think you described, was it?-- Yes.

Could you just outline your qualifications first of all? Do
you have any professional qualifications?-- Yes. I have an
Arts degree with two majors, first in political science,
government and public administration, and the second in human
and social geography.

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And your professional experience after getting those
qualifications?-- Professionally, it was principally related
to the geographic side of things. I dealt at university with
a whole range of government ideology or political ideologies,
government systems, administration and that sort of thing,
also with human and social geography as to the way people
live, why they live there, the sort of factors that influence
their health and wealth and so forth. My - my professional

career was, as I said, mainly to do with geography and physical geography. I worked for the Roads and Traffic Authority of New South Wales for about 10 years or so. I was a senior geographic consultant. And then when I came to Queensland, I embarked on my own business which, as I said, was providing consulting services to principally government agencies in Queensland, Commonwealth agencies, Western Australia, all around, designing and implementing very major transformations in the way those government departments or private agencies were doing their business.

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And is that in relation to how it affects people's lifestyles for example?-- Not a great deal. It was more - no, not a great deal.

Well, in what way? Just give an example of the types of things that you - that your professional consultancy related to?-- I was designing systems that would enable government agencies, for example, to better manage all of their spatial information, all of their mapping systems, all of their - the data that they might collect about, for example, where traffic accidents occur or where there are traffic lights or pot holes or property ownership and just integrating all of that information in a sophisticated way but making it easy for people to do that.

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And as a result of that, did you then develop an interest in governmental-type matters and how it affects people?-- Well, no. I suppose my interest in government and how it affects people lives was why I pursued that sort of theme at university. I was at uni doing political stuff for at least six years and I was very - always have been very conscious of the impact of government decisions on the wellbeing of individuals and communities. I suppose that's just a - part of my character and I've had the opportunity to pursue that.

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And you also, in evidence this morning, were asked some questions in relation to Hope Island and you said there was a local area plan in respect of the Hope Island area?-- Yes.

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Do you have a copy of that?-- I don't have a copy of the Hope Island local area plan as it is or - and I don't have a copy of the amendments to it. I do have some information here that's - that I did discuss earlier.

Yes. You said that there was - it had been brought forward in terms of its being reviewed or amended?-- Yes. Thank you. I mentioned a determination by Council in 2003 to adopt a schedule, if you like, of its review of the local area plans. I've got that agenda item. Sorry, I've got the minutes which in this case included the agenda item because it was a late item. It was brought to the Council late and therefore wouldn't have been printed in the agenda so all the information has to be printed in the minutes. I've got that and I actually have the schedule which was determined at that time which, as I said, doesn't include a review of Hope Island LAP. And I have a copy of a map which I did provide to the officers of the CMC identifying the area affected by the local

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area plan for Hope Island and those properties that were owned or recently owned, that is at the time of the election - owned by contributors to the Lionel Barden trust fund or the election campaign funds of candidates Grant Pforr and Brian Rowe.

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And are they identified on that map or-----?-- Yes, they are. They're shaded on this map.

All right. I tender that.

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CHAIRMAN: How do you describe the first part of that? Council minutes?-- Council minutes, 9th of May 2003, strategic planning work schedule.

Okay. Those minutes and the accompanying map will be Exhibit 237.

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ADMITTED AND MARKED "EXHIBIT 237"

MR WEBB: Might I see those when they've been marked?

MR BODDICE: That map that you referred to-----?-- Yes.

-----which has the shaded areas, was that provided to the Commission?-- It was provided to the officers at one of the interviews I had with them.

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And you said this morning that then that item had been brought forward, that is, earlier it had not been - it was not one to be reviewed but the review was brought forward. What is the current position in relation to the review of that local area plan?-- The current position is that the LAP review has basically been completed. The document has been put on public display if you like for - to invite submissions.

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So is the system that once the review has been completed, it is then put out for public comment prior to the Council making the final determination?-- Well, I need to be more specific. What has been completed is a master plan for Hope Island, a concept master plan and what's called a design code and these will be used further to progress the preparation of the local area plan. The - and it's that document that's been put on public display as of - that decision was made 9th of September.

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And do you know whether the public comment period has ended or is it still open?-- I don't know if it's even begun. And I did mention - I don't have copy of the concept master plan or the design code but I - I did make some notes about what the principal changes are that are incorporated in that and I - if you don't mind, I did make mention of the fact that there may be some significant benefits to those landholders. And briefly they are that the current building height is limited

to three storeys and it - there's provision to go to 10
storeys. The current density is 25 dwellings per area - per
hectare and that's to go to 45 dwellings per hectare. So jus
those two things alone signifies a very significant change in
the yield on the Island and substantiates, I think, my concern
about the potential benefit that was identified by those
contributors.

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CHAIRMAN: Yes, thank you, Mr Boddice. Yes, Mr Radcliff?

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MR RADCLIFF: Yes, thank you. Councillor Young, I appear for
Council Shepherd in this Inquiry. I'll try and keep my
questions to matters that affect him in relation to
this?-- Thank you.

You gave evidence this morning of the conversation that you
overheard between Power and Shepherd in January 2004 and your
words you said this morning that you overheard was that you
heard Power say to Shepherd "and there should be some left
over for us"; is that correct? That's what you said this
morning?-- If that's what you say I said this morning I'm not
going to argue.

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I'll say it again, "and there should be some left over for
us"?-- Mmm-hmm.

And Shepherd's response you say was, "Sounds good to
me"?-- That sounds right.

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And then you went on to say, "There was no reference to
funding"-----?-- That's correct.

-----funds or any candidate"?-- That's correct.

That's correct, isn't it?-- Yes, sir.

That's not been your version of those events on all occasions,
has it?-- I believe it's very consistent with my version.

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Well, you were given copies of some of your statements of
evidence this morning. Exhibit 233 pages 17 of 18 and 18 of
18. Do you have that before you?-- No, the Orderly has it.

All right. We'll get copies of that for you?-- Actually I do
have my full record of interview-----

Well, perhaps to save some time-----?-- -----so can you refer
to-----

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-----page 17 of 18?-- In which date?

CHAIRMAN: The 4th of August?-- Thank you, sir.

MR RADCLIFF: Thank you?-- 17 of 18.

Go to approximately line 659, "I just walked into the - what was then the councillors' room and Councillor Power and Shepherd were sitting in conversation and Power said to Shepherd, "Oh, and there should be enough money left over for the rest of us"; do you see that?

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CHAIRMAN: "Or something of that nature".

MR RADCLIFF: "Or something of that nature"?-- No, look, we haven't found the page we're up to. I'm sorry, Mr Radcliff.

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Right. 17 of 18?-- Yeah, okay. I don't have any documents in front of me that say - here we are. What line is that?

It's line 659, Councillor?-- Yep. Yes.

Read down to line 661?-- Yep-----

"And there should be enough money"-----?-- -----"should be enough money left over for the rest of us or something of that nature".

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-----"left over for the rest of us or something of that nature"?-- Yeah.

So when you made that statement, you included the word "money" in this alleged conversation, or something to that effect?-- I didn't allege that at all. What I was doing was trying to relay to the officer, to the best of my ability at that time in that conversation, what I believed I had overheard and-----

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That's-----?-- -----so that's why I used-----

You would agree with me, wouldn't you, that's different to what you said you overheard today?-- Yes, that is.

It is clearly different?-- How is it clearly different when I've said-----

Well, there's no reference to "money" this morning-----?-- -----"something of that nature". Well - but I didn't mention "money" this morning.

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No, no?-- That's correct, Mr Radcliff.

All right. And you've also made those allegations about money on other occasions, haven't you?-- Have I?

Yes?-- When?

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I ask you, and I note the manner in which this witness's evidence has been dealt with, but I must address certain passages of the document to which we've referred this morning.

CHAIRMAN: Oh if you want to put a prior inconsistent statement by all means, Mr Radcliff.

MR RADCLIFF: Yes, yes. In a document which we have been provided - and I don't propose to tender it in order to - unless that becomes absolutely necessary - there is a passage in your - if I can call it your unexpurgated dossier of 8 July 2005 about this very point, isn't there?-- About the conversation that I overheard?

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Yes, yes?-- There is a reference to that, yes.

And in that passage - I'll try and - are you able to put your hand on it?-- Yes, thank you.

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It's on the fourth page of your document. They're not numbered. You say, "According to the election gift returns, the sum distributed to these candidates" - they being Rowe, Pforr, Scott and Betts - "totals \$127,567.38. It is not apparent where the remainder of the trust funds were distributed or how they were used but in January 2004 I personally overheard Councillor Power tell Councillor Shepherd that there would be enough left over for the rest of us." And then you go on to say, "And I therefore believe the remainder of the funds may have been used for the benefit of some councillors seeking re-election without ever being declared." That's what you wrote, isn't it?-- That is.

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So that whole paragraph implies a reference to money once again and use of money by - or an anticipated use of money by Councillors Power and Shepherd, doesn't it?-- I think what the paragraph states is that I had a belief that there may have been some - some of those funds may have been used for the benefit of some councillors seeking re-election without being declared.

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And that's entirely different to the evidence that you put to us this morning and that is that all you heard were the words "and there should be some left over for us" and my client responded "sounds good to me", and you went to great lengths to say that there was no reference to funding, no funds, no candidates.

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MR BODDICE: Well, with respect, that's not different to what the letter says, at all.

WITNESS: I'm not sure there was a question there, Mr Radcliff.

MR RADCLIFF: That's what you said this morning, was it not?-- If you say so, yes. I don't have - I didn't take notes of what I said this morning, I'm just taking it that that's correct.

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Let's put this in context now?-- Yes.

These two - these two councillors were having a joke with you, weren't they?-- I don't believe so. Were you there, Mr Radcliff? That they told you it was a joke.

No, I'm suggesting to you that it was a joke?-- Had they told you it was a joke. 1

And it was put to you because you walked into the room?-- Is that what they've told you?

Yes?-- Well, as I've indicated beforehand, on numerous occasions they could have been talking about cake or sandwiches but I didn't believe that to be the case. 10

They could have been talking about the cakes or the sandwiches, but that's not what you say in your document that you published, is it?-- I had a knowledge that some of the campaign funds or the trust funds had not been accounted for.

Well, what was the source of-----?-- I had a knowledge of hearing - overhearing part of a conversation and I had a suspicion and I just made it to the - to the Minister for Local Government that I had a belief that maybe some of those unaccounted for funds had been directed towards the campaigns of other people and hadn't declared it. 20

You had a suspicion with no foundation in fact?-- Why do you say that?

Isn't that correct?-- Well-----

If what you said to us this morning is true?-- It's a fact that I overheard the conversation. 30

You heard a conversation?-- I overheard part of a conversation. That's a fact, Mr Radcliff.

And if what you told us this morning is truthful?-- It was.

"And that there should be some left over for us"?-- Or words to that effect, that's right.

No, that's what you said this morning. That's what you said, "And there should be some left over for us"? 40

CHAIRMAN: Mr Radcliff, I think if you check the transcript you'll find the witness did say this morning that it was words to that effect.

MR RADCLIFF: Yes. You'd probably be right, that's - yes, all right. But there certainly wasn't any reference to money, was there, in the conversation that you overheard?-- No, I've said this on a number of occasions, certainly not. 50

All right. You stated openly today that you were wrong about the sum of - and I'm going onto another topic now, I'm dealing with Councillor Shepherd's function?-- Yes.

Which is also part of the content of your document which you published in two forms. You're aware of the paragraph to which I'm about to refer you?-- Yes, thank you, Mr Radcliff, bottom of page 11.

Yes, thank you. And you say that you were wrong about the sum of \$50,000 and you were wrong about the sum of \$30,000?-- Mmm-hmm.

And you intend to address this with Councillor Shepherd?-- Mmm. Yes, you should know - I'm not sure if you do know but Mr Power through - sorry, Mr Shepherd through his solicitors has issued a claim against me for threatening defamation if I don't issue an apology with regard to this statement. At this point in time I haven't issued such an apology. I intend to do that, I've just been waiting for some facts to become available to me so that my apology can be as full as possible. But that's what I meant by I'll be addressing that with Councillor Shepherd.

Well, how long have you been aware that you were wrong in respect of those two sums of money that I've mentioned?-- Factually aware, possibly two weeks. It may be more. I did - I inspected the register of interests. A notice of - to that effect would have been delivered to Councillor Shepherd and perhaps you can provide me the date, but it's probably a few weeks ago, because I had intended to publish an apology relative - relevant to this in my latest newsletter but I haven't even released that.

You published that paragraph on page 11 of your document, and rather than tendering it I'll read it to you and you can tell us whether this is correct or not. You say, "Recently Councillor Shepherd held a function to raise funds for his 2008 council election campaign. The fund was attended by 200 guests. Development interests were invited. I am reliably advised that \$50,000 was raised on this single night including a gift of \$30,000 from one donator. This is an extraordinary sum of money. This type of fundraising raises serious questions about potential conflicts of interest as the acknowledged pro-development chair of the Planning Committee and the apparent 'single point of call' for developers, and upon whose support so much importance now rests. This councillor is in a position that might lead to significant conflicts arising. There is certainly a public perception that this might occur." That's what you've said then. Isn't that right?-- That's correct, Mr Radcliff.

Yes. Now, let's look at that paragraph?-- Okay.

You state in this document which you've published to the Minister and to - and to a number of other people, that you say you are reliably advised that \$50,000 was raised on a single night. By whom were you reliably advised?-- As I said this morning, Mr Radcliff, I was advised by Councillor Sarroff. I said to him, "Look, Eddie, I need to be really sure about this sort of information. I'm not putting any old stuff in here," and he - and I asked him specifically to raise that matter again with Councillor Molhoek who had been his initial source of information.

Yes?-- He subsequently did that and came back to me with some further information about it.

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So your reliable source about the \$50,000 is Councillor Sarroff. Is that what you're saying?-- Directly to me, yes.

And your reliable source about the \$30,000 donation was Councillor Sarroff. Is that what you say?-- That's correct.

You are aware that Councillor Sarroff has given evidence in this Tribunal?-- Yes.

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You're aware that he says that he didn't tell you those two facts?-- Yes, I'm aware of - I didn't study his transcript but I was aware that he'd made statements to that effect.

At pages 131 - or sorry, 1331?-- I did question Councillor Sarroff about that afterwards and he said, "Look, I didn't want to recreate things." He said, "If I couldn't specifically remember it - factually remember it I didn't admit to it or I didn't say it."

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Councillor Sarroff swore in this tribunal that he told you about a function and told you about substantial funds being raised. He was tested on it vigorously and that's all he said he told you, those two facts. I'll repeat them-----?-- Well, I don't have a copy of his testimony but-----

I'm giving you the opportunity-----?-- -----I'm telling you that what I've relayed to you already is perfectly correct.

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And you're aware-----

MR MULHOLLAND: Well, just before my friend goes on, I think it would be important for him to indicate that in relation to this discussion of 1331 he says, "To the best of my knowledge that was the important point that I took from the discussion and I can't be very specific about elaborating on that discussion."

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MR RADCLIFF: Yes, I thank my friend for that?-- Thank you, Mr Mulholland.

You're aware as well that Councillor Molhoek has explained his participation in these conversations because Councillor Molhoek was supposedly the source from which Councillor Sarroff obtained the information?-- No, I'm not aware of that.

I have a copy of Exhibit 208, if that could be provided to the witness. I have a copy here.

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CHAIRMAN: Sorry, Exhibit?

MR RADCLIFF: Exhibit 208.

CHAIRMAN: 208.

MR RADCLIFF: Well, I might shorten this. Did you ever have a conversation with Councillor Molhoek about this function?-- No, I didn't, sir.

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You didn't?-- I had two conversations with Councillor Sarroff.

Yes?-- Possibly four or five days apart - possibly.

So there'd be no point suggesting to you that Councillor Molhoek said that he didn't pass this information on to Councillor Sarroff other than to explain them as being rumours?-- The beginning of your questions was there'd be no point?

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There's no point?-- No.

If you'd have no conversation with Councillor Molhoek-----?-- No, I didn't.

-----then there's no point asking you about what Molhoek said to Sarroff about this. You can return that exhibit, I'm sorry. After you'd published your document, to which I've referred you and which I've read extracts from-----?-- I just want to return to that paragraph if I might. I mean, as I said, I did question Councillor Sarroff about it. I can't attest to the reliability of his evidence but your client was offered the opportunity, in fact invited at full council meeting to provide information to the elected council as to the veracity of the information in the form of questions on notice which were, would he please provide to council information as to how much money was raised and who had been invited. He declined to do that and he's answered questions on notice at a later point in time. That may have assisted matters somewhat, but I'll leave you to go on to your next question.

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Thank you. I'm coming exactly to those questions. There were questions on notice that were placed before the council by Councillor Shepherd to you?-- Sorry, were these questions on notice?

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There were questions on notice?-- These were questions I answered at the time?

Yes. You chose not to defer them but you chose to answer them immediately?-- That's correct.

The first question was, "Have you made a presentation to the Minister for Local Government that contains a dossier prepared by yourself of statements and accusations concerning councillors of this City?" Your answer was, "Yes, Mr Mayor." And his second questions was, "Does this document contain a reference to a fund raising function conducted on my behalf in May 2005 to raise funds for my re-election in 2008?" And your answer was, "Yes, Mr Mayor." The third question is, "Does this document contain your understanding that over 200 people attended the function?" And the answer was, "I believe so, Mr Mayor." And the fourth question, "Does this document contain

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your comments that I received a \$30,000 contribution from a developer as part of the revenue raising during this fund raising function?" Do you recall that question?-- Yes, and it's - I couldn't answer it properly because I didn't make any mention of a developer in the context of that donation. I, in fact, said in my document that there'd been \$30,000 from one donator.

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Your answer to that question on notice, which you answered immediately, was, "I am reliably advised that \$50,000 was raised on this particular night, including a gift of \$30,000 from one donator?-- That's what I just said.

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Yes. Who was the donator?-- I have no idea.

From whom were you reliably advised about this \$30,000 gift?-- Councillor Sarroff.

And then there was a fifth question, "Does this document contain your comments that I received in excess of \$50,000 as revenue raised during this fund raising function?" And your answer is, "As for question 4." And then you were asked, "Who is the informed source that you refer to as the provider of this information?" And you said, in response to that, "I am not prepared to advise that, Mr Mayor."?-- That's correct.

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You were not prepared to disclose it?-- I'm quite happy to answer your questions, Mr Radcliff, of course, but I'm not sure what the relevance is, apart from the defamation matter.

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No, it goes further than that?-- Thank you.

You say that in the last few weeks you've come to realise that you were wrong - or plainly wrong about the \$50,000 and the \$30,000. What was the source of information that led you to believe that you were wrong?-- Councillor Shepherd's register of interest, which I viewed.

Now, therefore for the last two weeks, on your evidence, you've been aware that this document that you published, both in an expurgated and unexpurgated condition, stated these things. Have you done anything to withdraw these wrong statements from, for example, Desley Boyle?-- What I've sought to do - or chosen to do is wait until other information that is in my possession becomes available through this Commission - through this inquiry, because what I want to do is issue a statement of apology that's as relevant and complete as possible. Again, I don't see the relevance of this in regards to the terms of reference of this inquiry, but in regards to a possible defamation action that's my response. I intend to offer an apology, I have no qualms about that.

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But you've not-----?-- And, in fact, what I've sought to do is wait until I have the opportunity to present all of the information that's relevant to this matter and I believe that'll be in the next few days. I could have issued a partial apology, but I thought the better of it. I thought it better to issue something that's more fulsome.

So, you've not sought yet to explain that your document is wrong to the Minister for Local Government?-- That's correct.

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You've not sought yet, even though you've known for two weeks that it's wrong, to make any statement anywhere to withdraw these allegations?-- I know it's incorrect in the sense of the \$50,000 and the \$30,000 that I've mentioned. I don't know in any other way that it may be incorrect and that's why I've chosen not to issue such an apology, because, as I said, I would prefer it to be complete and at the one time.

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This document, so that we can put it in context, your dossier, I'll call it that, in a censored version has been freely available on the internet for some time, hasn't it?-- My understanding is it was posted on a web site for a certain amount of time.

Have you taken any steps to have it removed?-- I didn't take any steps to have it posted on the web site and I didn't take any steps to have it removed myself.

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And you've allowed this to be distributed to anyone who wants the document if they inquire of you?-- I've allowed what exactly?

The censored version of it?-- What, are you saying I haven't prohibited anyone from receiving it?

You've actively passed it out to people, haven't you?-- I did - yes, I've made it available to people.

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So that if someone communicated with you about wanting a copy of it until today, you would have readily just emailed a copy?-- No, that's not correct.

Have a look at these documents, please. The first is an email from a Carol Drake to you of 20 July 2005. I'm sorry, I don't have copies. Is that an email which you received, Councillor Young?-- Certainly looks like it, Mr Radcliff.

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And did you respond to that email?-- I would have to check my records but I can see no reason why I would not have because at this point in time, Wednesday, 20th July, I probably would have provided it, yes.

And in response to that email, you wrote to Ms Carol Drake saying, "Thanks for your interest. Document attached together with message sent to recipients 8 July 2005."?-- Yes.

And----?-- I think what needs to be said about this in the first instance is that the covering email that would have been sent to Carol Drake has been omitted from her further correspondence with Councillor Shepherd and your question to me earlier was that until this date I'd been providing this document, and I said no.

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Look at this document, please. Is that your response to Ms Drake enclosing by way of email a copy of your censured version of your dossier?-- It looks like it, Mr Radcliff.

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Yes?-- It's dated the 24th of July.

Yes?-- No.

24th July?-- Yes, that's correct, yes.

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And attached to it is a letter which you forwarded to, it seems, a number of other recipients. To whom was it sent?-- Again, I'm really not sure about the relevance of this at all to this inquiry. I think it's more relevant to the defamation matter that your client wants to proceed with, but having said that, I'll answer your question. The - and the answer still to your earlier question is, which you asked, until this date, I'm still providing it and that's clearly refuted by me, but at this point in time I certainly sent this document to Ms Drake. It's apparent from this email. And this does include the covering email which I included with it which states and I draw your attention to the paragraph, "My intention is certainly not to defame any person or entity and should any person or entity feel that I've done so, then I invite them to contact me in the first instance requesting a retraction or other means to address that concern. My principal and overriding interest is that the public interest must be served," and so on.

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Yes. And in the first paragraph of that letter, you say, "Please find attached an amended version of a submission I have today despatched to the Minister for Local Government, the Honourable Desley Boyle MP."?-- Yes.

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"In this document I seek to establish that there are facts and circumstances that must arouse the concern of the Minister sufficiently to launch a public inquiry into the Gold Coast City Council."?-- That's correct, Mr Radcliff.

And you conclude your letter to unnamed persons, and I've asked you that question, to whom was this first letter forwarded?-- On 8th July it was forwarded to a database of email recipients to whom I normally send a monthly newsletter and in the course of dealing with defamation proceedings by Councillor Power, I'm providing that - preparing a full database of who they were at that point in time and a number of other people, I think around about 20, who were individually sent the document by email subsequent to 8th July.

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And you conclude that letter by saying, "I encourage you to read this document with an open mind and to make your own decision. Can you and will you help. Yours sincerely, Peter Young." Is that correct?-- Yes.

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Now, in fact you can look at this letter as well.

CHAIRMAN: Are you wanting to tender those emails?

MR RADCLIFF: I'm going to once I've dealt with this one.

CHAIRMAN: Oh the whole lot together, okay.

MR RADCLIFF: The three of them as one exhibit. I've taken from that email you're about to see a copy of the censured version of the document in order to try and keep the relevance - is that a copy of the original email that was sent on the 8th or the 9th of July to one of the recipients?-- That's correct.

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I tender those three documents.

CHAIRMAN: That will be Exhibit 238.

ADMITTED AND MARKED "EXHIBIT 238"

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MR RADCLIFF: Now, you suggested this morning - and I'm going on to another topic now - and you suggested this morning-----?-- Mr Radcliff, just if I might, you drew attention to one of the paragraphs in that question - in that document, the facts and circumstances that I presented, so yes.

Yes?-- You - was there some suggestion it doesn't contain the facts?

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I'll leave that. You've got counsel here; he will ask you questions about that, if it's necessary. You gave evidence this morning that - and this is in relation to part of Exhibit 3 document number 60. That was the newspaper article that you read?-- Sorry, which newspaper article? There have been a few.

Yes, I'm sorry, I'll help you through that?-- Thank you.

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You - perhaps the witness could see that?-- If you could just remind me what it's about I might be able to work from there. It was the article that was headed "Young muscled out admits Shepherd"; do you recall that article that you've referred to?-- Yes, but I would like to see that. I'm not that familiar with it.

All right. Could the witness please see number 60 of Exhibit 3?-- Thank you.

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That was the article that was published and you were referred to that this morning by counsel assisting?-- Yes, thank you, Mr Radcliff.

After publication of that article on the 21st of April, Councillor Shepherd immediately gave an explanation, did he not, to all councillors and to the Mayor and to the Chief

Executive Officer concerning the content of that document?-- I recall a memorandum from Councillor Shepherd.

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Would you look at this document, please.

CHAIRMAN: Do you have copies of that?

MR RADCLIFF: I'm terribly sorry, sir.

CHAIRMAN: It is helpful.

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MR RADCLIFF: What I did have copied unfortunately is not the subject of this Inquiry any further. Is that the document which Councillor Shepherd sent to you and other councillors?-- Yes, Mr Radcliff.

In it he attempts to explain that the article is incorrect, doesn't he?-- He does attempt to do that.

Yes. I tender the document but if it could be returned to me after it's been tendered, then I'll ask some more questions about that. I'll go on to something else for now.

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CHAIRMAN: Just if I can see it, please.

MR RADCLIFF: You complained-----

CHAIRMAN: Just hold on?-- Sorry, Mr Chairman, I'm just refreshing my memory because I'm about to get questioned about it.

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Well, just we'll mark that and then it can come back to you?-- Sorry.

Seeing it's being tendered now?-- Thank you.

MR RADCLIFF: I'll come back to that in a moment.

CHAIRMAN: What's the - okay, this memorandum from Councillor Shepherd to all councillors dated the 22nd of April 2004 is Exhibit 239.

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ADMITTED AND MARKED "EXHIBIT 239"

MR RADCLIFF: Thank you. Now, the fact that you weren't a member of committees within the Council after the election was as a consequence of your own choice, was it not?-- At the time of the post election meeting, yes, I made a choice within that meeting after having attempted to achieve some outcomes that - with regard to committee structures and so forth-----

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You-----?-- -----I made a choice not to be a member of any committees at that point in time.

You sought to become committee chair of the Planning Committee, didn't you?-- First of all, I sought to be come chair of the Planning North Committee wishing for it to be retained and then the City Planning Committee, that's correct.

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And then after that you - after you failed in that attempt, you chose not to be a member of any committee at all?-- At that point in time.

Yes. After that failed attempt?-- I don't recall all of the events at that meeting, Mr Radcliff, but I know that at that - during that meeting, at some point in time, whether it was after that attempt immediately or at some later stage in that meeting, I made a conscious decision not to be come a member of any of the statutory committees.

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And in fact-----?-- However, at the Council meeting, which was just shortly afterwards, I very deliberately chose to become the chair of the Planning Committee, so it's not as if I didn't have any interest in the committees. I was-----

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In fact, the Mayor came to you, did he not, in a meeting and asked you whether you intended to participate on any Council committee in or about April 2004; can you recall that?-- No, I don't.

And can you recall stating to those present at that meeting that you have no confidence in the Council and you were not going to participate in any committee whatsoever?-- Sorry, I don't recall the meeting so how can I recall that statement. I'm not even sure who was meant to be there.

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I may be incorrect in what I'm going to suggest to you, but you suggested this morning that those within the bloc sought to in fact take control of all of the committees and became committee chairman of all of the committees; is that what you-----?-- That was certainly-----

That was your perception, was it?-- Certainly my perception and not mine alone.

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However, Councillor Sarroff is not a member of the bloc, is he?-- That's correct.

As you would define them?-- That's correct.

Councillor Sarroff is in fact a person with whom you are aligned-----?-- I wouldn't say "aligned".

-----and a person who is like-minded to yourself?-- Councillor Sarroff and I see eye to eye on a lot of issues.

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Yes. Yes?-- But I wouldn't say aligned or like-minded necessarily.

Councillor Sarroff is the chair of the Finance Committee?-- He's not now.

Not now?-- No.

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But then he was and he was made by his peers, chairman of the Finance Committee, wasn't he?-- That's correct.

That's an exceptionally important committee in Council, isn't it?-- Exceptionally? I don't think I would use that term.

In most Councils in Queensland, it would be the most important?-- I couldn't answer for most Councils in Queensland, Mr Radcliff, but my own perception after five and a half years as a Councillor, is it's not exceptionally important; it's certainly important and most particularly, at budget time and all Councillors involve themselves in budget deliberations, the Finance Committee just deals with a sub set of issues, many of which are just referred to it by the statutory committees. In a city like the Gold Coast, perhaps you could argue planning is equally or more important.

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Yes, that's correct, but for a - a - you gave examples yourself this morning of other Councils such as those in mining communities. Town planning's not as important a committee in that type of Council environment?-- No, I didn't say that, Mr Radcliff and I was just alluding to the fact that on the Gold Coast, development is the principal economic-----

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Yes?-- -----industry or one of the very principal economic industries and-----

Yes?-- -----whereas in another community, it might be a mining industry and so what I was talking about was dominance if you like of an economic ideal.

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Yes. I'm turning back to this article - sorry, this document that's now been admitted as Exhibit 239, which Councillor Shepherd provided to you. I don't have a copy of it, but in that document, Councillor Shepherd says, "By way of explanation, you will note that within the entire article I have only been quoted twice, with the balance of the story a mixture of interpretation, assumption and a response from another Councillor"; that's what he said about it, wasn't it?-- I'm not going to dispute that you're reading that correctly, Mr Radcliff.

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Look, I won't go through the document at length, but that was the explanation given to you by him and given to all other Councillors?-- That is correct. That was his explanation.

That could be returned. Only because it's convenient for me, if you go to the end of your dossier, there is a newspaper article, which is Exhibit 69 in - sorry, sub exhibit 69 in Exhibit 3?-- I don't have that, Mr Radcliff, but that's the matrix or-----

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Yes. We can find you a copy of that. Councillor Young, this was your source of the statement that up to 99 - that the bloc vote together up to 99 per cent of the time?-- If you don't mind, Mr Radcliff, I'll just find my reference.

Yes, of course?-- Do you know where that was in my submission?

I think I can find it for you, yes?-- I have it. It's on page 5.

Yes?-- Yes and I've made clear reference to the article.

Yes?-- So it's evident to the Minister, that it's not my analysis-----

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No?-- -----or anyone else's.

First of all, let's deal with this analysis which you've adopted for the purposes of your dossier. Is it correct that it is only when divisions are called for that the names of those who vote for and against various motions are recorded?-- No.

Correct me if I'm wrong there?-- Sometimes - a division will be called-----

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Yes?-- -----in which case it's quite clear who voted for and against an item. Sometimes a division will not be called, but a Councillor might still ask that their vote be recorded.

But in that case, is only their vote recorded or is everyone's vote recorded?-- Only those that request it, Mr Radcliff.

Yes. So that this seems to be an analysis of 100 decisions of Council and I think you said this morning-----?-- Sorry, is it - does it state that in the article?

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I thought that's what was said?-- By whom?

I - I - if you look at the one-----?-- No, I think the fourth column.

-----two, three, fourth column. Yes?-- One hundred and twenty-five divisions.

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Yes, 125 divisions?-- Okay.

Yes. I'll read that paragraph for those who don't have it. "The statistics only referred to the occasions when councillors called for a division on a particular vote. There were 125 divisions in total. More often than not during council meetings a division is not called and the individual votes are not recorded." So that's what the author of this seems to be saying. Do you agree therefore that it's 125 decisions, not 100?-- It would appear to be, Mr Radcliff, yes.

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Therefore if one looks at Councillor Hackwood's decisions in respect of La Castra that is the only one with 99 that I can find there. It's on the bottom line, approximately in the middle. Do you see it?-- Yes.

So that would appear to be 99 out of 125. Am I right in that?-- I think that's 99 per cent, Mr Radcliff. If you look at the document itself, the text repeatedly is referring to percentages. So, for example, the first column at the very bottom it says, "Vote together regularly up to 87 per cent of the time," and the next column again, "Councillor Groom and Councillor Bower vote together 97 per cent of the time."

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All right. You see that 99 for Ray Hackwood. Can you go up four - sorry, three numbers. It seems that Councillor Rob Molhoek votes with Councillor La Castra 69 per cent of the time. Do you see that?-- Yes, on this analysis that's correct.

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Yes. And staying in the same column of La Castra, you see that Greg Betts votes with La Castra 82 per cent of the time. Do you see that?-- Yes.

And in respect of Eddie Sarroff-----

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CHAIRMAN: Is there any point in getting this witness to agree what we can all read?

MR RADCLIFF: Well, there is, because it starts from a concept of there being-----

CHAIRMAN: Well, get to the point and put the point to him rather than-----

MR RADCLIFF: All right.

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CHAIRMAN: -----taking him through every item and column in the document.

MR RADCLIFF: I don't intend to. I'm isolating those which are relevant. And then when one looks at Eddie Sarroff and yourself, 85 per cent of the time you vote in concert with him in respect of these 125 issues. Do you see that?-- I'm not really checking it. I believe you, Mr Radcliff, yes.

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Yes. And in fact, going down about four more places, you and councillor Crichlow seem to vote similarly or identically 87 per cent of the time. Do you see that?-- I can see that.

So that the trend is from this 125 votes that there was a number of - there were a number of councillors who voted in a like minded fashion and similarly you've voted in a like minded fashion with Councillors Sarroff and Crichlow?-- Mr Radcliff, what I chose to do if I might was in the submission to the Minister would say, look, an analysis of figures has indicated that these members, in cases where a voting division has been called, vote together up to 99 per cent of the time.

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Up to, yes?-- I've provided to her the full document so she can see that I'm not trying to mislead her, she can make her own assessment of the matter, what - you know. I am not

trying to disguise anything. She can see herself that there's 87 per cent between Crichlow and Young. The context is my submission to the Minister was dealing with what was apparent to be a bloc of councillors who had received support through the election period to achieve a certain outcome. My document wasn't analysing what Councillors Sarroff and Crichlow and Young and - and a couple of others do. It was very specific about the election, the lead up to the election and what was apparent to me and to the community as occurring thereafter. I don't know if - go on.

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I'm not suggesting anything untoward by you voting similarly to that of Sarroff, and Sarroff and Crichlow?-- Mmm.

I'm just saying that because you are - they are like-minded with yourself it's frequent that you would have the same views of issues and you would vote similarly to them?-- Well, as I said, I wouldn't use the term like-minded. We have a similar philosophy about some major issues.

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I'm not suggesting that you're not independent or that-----?-- I know that.

Anything such as that, what I'm saying is that's just something that happens when people have the same views of things?-- Yes, and I - what I'm suggesting to the Minister here is that there appears to be evidence of a group of people who do have a very consistent voting pattern and each of those people were part of this Lionel Barden fund, trust fund, the people that were involved in it, the people that I'm alleging to the Minister have sought to mislead the community and so forth.

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That's, once again, one of your suspicions, is it not?-- I wouldn't call it a suspicion.

In council now-----?-- I'd prefer to say - I'm dealing with this on a day to day basis, Mr Radcliff, and the matters that generally - for which there's a division called are where there's some contention. They're not just bread and butter day to day stuff, we're dealing about those things where there's a significant level of public concern about the outcome, so these are where you do have polarisation, if you like.

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Yes?-- And so what I'm suggesting to the Minister is there is a level of consolidation amongst a number of people who had a linkage in the formation in the lead up to the election.

But it's similarly just as simply explained that they all think similarly and have the same ideologies and therefore vote together. The link with the Barden trust is something of a quantum leap that you've taken?-- I don't believe so, Mr Radcliff.

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Those eight - well, tell me the names of those eight that you say are members of this secret society?

CHAIRMAN: Well, they're written out-----?-- No, I didn't say that they were a secret society.

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-----in that page in the document. No, the page in the dossier that is being referred to, they're all set out in that paragraph.

MR RADCLIFF: I wasn't going to refer to that again. Well, they are said in your document to be Power, Grew, Shepherd, La Castra, Betts, Pforr, McDonald and Attwood; is that who you suggest formed this-----?-- I think in the sentence beforehand I've indicated that I've referred to them as the "pro development majority team", yes.

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Yes, all right. They don't vote rank and file on matters in Council, do they, that group that I've just identified?-- What do you mean "rank and file"?

Well, they don't just vote as a bloc every time that there's a resolution to be made in Council?-- Obviously from these figures, Mr Radcliff, no they don't, no.

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They frequently vote in favour of matters that you put forward?-- I might say not frequently enough but-----

Well, they have. It's not a matter of saying-----?-- Yes.

-----"Well, Councillor Young's put something up so we'll vote against it"?-- I'm not meaning to be flippant. Yes, Mr Radcliff.

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That doesn't happen, does it? And Councillor Crichlow might put something forward and she may be supported by Councillor Power?-- Yes.

And so it's not party-line voting, is it?-- When you say "party-line" you mean a concrete allegiance to a specific, what, one-in-all-in?

Yes, yes?-- I'm not sure even that exists in party politics these days. People have and do exercise their right to cross the floor and I think, you know, the recent - what we do see on occasion, in my opinion, at - being judged or this opinion being formed from being present at many of these meetings is there is the ability through numbers to allow someone to vote against a matter, allow someone to be seen to - to vote contrary to the rest.

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Therefore-----?-- So you know, whether or not that suspicion is correct, it's-----

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Therefore there's no need for me to present to you copies of extracts of Council meetings to show that frequently people vote in your favour who are members of this so-called bloc. You accept that as a day-to-day occurrence, don't you?-- Not day-to-day, Mr Radcliff. I accept that these people don't vote together 100 per cent of the time. But therefore - thereafter, I've never alleged that they did so-----

You seem to be - well, one of your concerns is that Councillor Shepherd will meet with developers and discuss proposals with developers at a point in time prior to matters being put to Council?-- Yes.

That's a problem to you? You find that to be a problem by way of deception. Is that the way you categorised it?-- No, that's not the way I explained it this morning to Mr Mulholland.

All right. And you also went on to say that the protocol was the divisional councillor is always involved in these discussions at an early stage with developers?-- The protocol has always been that the divisional councillor is advised when there's to be a meeting of another councillor with a developer.

And-----?-- In fact, you know, even dealing with small issues, someone complains about something, the protocol is you just don't touch it. You forward it to the appropriate councillor. It's-----

There's no secret in the Gold Coast community that Councillor Shepherd is the chairman of the Planning Committee?-- I don't think that's a secret, no.

No. It's, in fact, in the local phone book and well-known in the community, isn't it?-- I'm not sure if it's in the local phone book but it's well-known, yes.

Yes. And it would not be unusual, therefore, for a developer who's going to do something in let's say your division-----?-- Yes.

-----to speak to Councillor Shepherd about it? It's not unusual?-- Not unusual? I would suggest it's more usual that the councillor - that the developer would approach the divisional councillor.

And in the case of Councillor Shepherd, when he is approached in that fashion by a developer, or, for example, your division, he will volunteer information, refer the person on to the officer within the council who would be appropriate for that question but would also then refer the inquirer on to the division councillor?-- Do you have any evidence of that, Mr Radcliff?

I can suggest to you that that's what he does and that's what his - the protocol that has been adopted for a number of years?-- Well, if that's the protocol, then - if that's the way he has been managing those circumstances, it's not working.

But if people choose not to talk to you it's not his problem?-- Well, I'm not sure if that's what's been told to those people and - but if it's absolutely certain that that's the case, then, as I said, it's not working.

Well,-----?-- The way of dealing with that is not working.

Well, it doesn't have to be you. If someone inquires of him for Councillor Power's electorate, he answers the query, he then refers it on to the individual council officer who will be able to better respond to it, and then refers them on to Councillor Power. There's nothing wrong with that, is there?-- I'm just going to refer to my submission to the Minister and get the context right here, Mr Radcliff. My awareness is that Councillor Shepherd isn't meeting with these people - well, there may be circumstances where he's meeting with these people, referring to the officer, advising these people that they should speak to me. I'm referring to matters where Councillor Shepherd and the officers arrange a meeting with the proponent without any reference to me by the officers or Councillor Shepherd and I learn about it later on.

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I suggest to you that in every case that if there is a meeting with Councillor Shepherd and an officer of the council, that in those circumstances, as you've outlined them, they would then be referred on to you for your electorate?-- Referred on to me; by whom?

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To you, for anything else that takes place?-- By whom?

By Councillor Shepherd?-- Well, as I said to you, that's the practice that's been followed; it isn't working.

Well, I'll put it to you that it's done specifically in your case more so than anyone else because of documents such as that which you've chosen to publish about my client?-- Sorry, meaning what? Is there a question?

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I'm putting to you that that's exactly what takes place in respect of every matter involving your division?-- Well, I'm confirming with you that if that is what's happening the practice is not working.

I'll deal briefly-----?-- And, in fact, officers who've attended such meetings have told me they had no idea on one occasion, for example, that the matter was even within my division.

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Which officers are they? Can you identify them for us?-- By reference to information I don't have here I can certainly do that, yes.

CHAIRMAN: But wouldn't the officer automatically know from the address of the matter that it's in your division?-- Not necessarily, and certainly where the officer is invited to establish the meeting by that councillor, he - if it's in a nearby area, Mr Chairman, the officer may not know.

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I see; on the boundary between the two?-- Yes, sir.

I see.

MR RADCLIFF: You gave evidence concerning a development which we've come to know as Yarrayne, or a company known as Yarrayne?-- Yes.

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That ultimately was the subject of a compromise and the vote was taken of the full council and that compromise was adopted, wasn't it?-- Yeah, I'd question the use of the word "compromise" as my - yes, a settlement date was - an outcome was achieved.

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Perhaps we could deal with that that there is frequently now mediations, or without prejudice discussions to avoid the need for litigation about planning disputes. That's part of everyday Council activities, isn't it?-- I think it's - it occurs in every case where there's an appeal, I believe-----

Yes?-- -----yeah.

What happens is that-----?-- There was no appeal here, Mr Radcliff.

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The - yes, but the Council - Council officers come up with a recommendation, which is then taken to the planning committee, is that not correct?-- Council officers prepare the agenda items-----

Yes?-- -----and include with that, a series of recommendations.

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Yes, and they propose to the planning committee that the development proposal be adopted, or varied, or the conditions be imposed, and then that goes to the planning committee, doesn't it?-- Unless the officers have delegated authority to deal with it, of course.

Of course, of course?-- Yes.

And the planning committee can then adopt what the - what the Council officers say, or they can impose their conditions, or they can reduce the level of conditions, can't they?-- I'd say most circumstances that's open to councillors, yes.

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Now, in the case of Yarrayne proposal, this was a huge development with a swale drain through the centre of it. Can you recall that?-- I don't know if it was huge, Mr Radcliff, I don't know how many lots it was, I can't remember, I have-----

Well, your complaints-----?-- -----got the planning document here.

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Your complaints - more properly are addressed, I suppose, to Councillor Power, but they are addressed to Councillor Shepherd because he was the chairman of the - of the committee. I think I should go down that path a little way?-- Okay.

What was - at first proposed by the council officers that the stormwater be retained on site, and they recommended that it be kept on site because this was Council's general policy.

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CHAIRMAN: I think it was that it be treated on site.

MR RADCLIFF: Initially, I'm talking about now, yes.

CHAIRMAN: You don't-----

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MR RADCLIFF: Yes, treat-----

CHAIRMAN: Well, it'd be a bit hard to keep all the rain-----

MR RADCLIFF: That's right.

CHAIRMAN: -----stormwater on site, that it be treated on site before being discharged off site.

MR RADCLIFF: Yes, you are right. The submission was right. Which would have required a wet detention basin in the centre of this development? Is that correct?-- Without making direct reference to the agenda item, Mr Radcliff, it sounds - sounds right.

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And after a discussion - so the - the Councillors, at first, required a wet detention basin, then after discussions with Councillor Power, they came to resolve that there be a smaller wet detention basin, and a reconfiguring of the blocks as a consequence. So that the compromise was that some of the stormwater would remain on site, and some would be taken off site, and treated off site. Can you recall that?-- I would have to make reference to the agenda and minutes, Mr Radcliff, to give you a really strong answer on this matter.

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And the reason why there was the compromise was there was a - or a mediated result, was that there was - this was a - an opportunity to avoid unnecessary costly litigation with a resolution of this issue on a basis that both parties, that's being the councillor and the developer, in a manner that they could both live with?-- Is this information that was available to the committee at the time?

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Yes, yes, it was?-- You're talking about these, "Without Prejudice" discussions, and things like that.

Yes?-- I wasn't a member of the - I wasn't at the committee meeting, and-----

CHAIRMAN: Well, Mr Radcliff, that's - that doesn't accord with the earlier evidence.

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MR RADCLIFF: That's what I understand-----

CHAIRMAN: The earlier evidence was, from Mr Sarroff, was that was all done at a meeting on site with the - though I - think I might be stand to be corrected on that, and-----

WITNESS: I don't believe-----

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CHAIRMAN: -----Council officers on the day after the committee meeting, but there's not much good pointing any-----

MR RADCLIFF: No, no.

CHAIRMAN: -----of this to this witness because he wasn't at the committee meeting, and he doesn't know, and in his dossier-----

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MR RADCLIFF: I won't take it any-----

CHAIRMAN: -----all he's doing is repeating Councillor Sarroff's complaint-----

MR RADCLIFF: Yes. Well, I'm leading to what he's complained of in his - in his document, as to affecting my client.

CHAIRMAN: Well, he's really - he's really just repeating Councillor Sarroff's complaint.

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MR RADCLIFF: Right, well, I'll go down to this point, but the point is that it's suggested, and I have to refer to your document on this, that you say that the committee chairman advised the Council that the minutes had been, "massaged". You see that reference?-- Yes.

That reference, by massaging, that's not meant to be tampered with; they were written in such a fashion so as to be - to meet the decision which had been agreed between the parties?-- Mr Radcliff, I'm making a dot point where I'm referring to Councillor Sarroff's submission to the Minister - sorry, to the CMC.

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Yes?-- A copy of which was attached to my document.

Yes?-- And I don't have a copy of his - sorry, of that memo with my-----

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I'm merely dealing with the word "massage," you don't-----?-- I think he used the word massage.

But you don't put anything sinister on those words, do you - that word, do you?-- The way I interpreted that personally at the Council meeting was that the minutes had been modified to reflect a desirable outcome on the part of somebody.

Fine?-- Whoever that person might be.

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No, I don't need to take that any further. I understand others will deal with the Sunland discount; so I won't deal with that. I understand Mr Nyst will be dealing with the infrastructure; so I don't intend to deal with that. Just briefly on the Sunland rates question. We had an exhibit before us, Exhibit 220, which is - I might have misunderstood this exhibit yesterday myself, but it seems to be a transcript of what took place at the Council meeting on 22nd November or

in the finance committee. Councillor Crichlow says, when she's speaking in relation to the matter, "They" - meaning Sunland, "stated they had not paid on time because they had not received the rates at the address." Do you recall her saying something like that about this issue?-- Councillor Crichlow?

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Yes?-- In testimony here?

Yes. No, at the meeting of the finance committee concerning-----?-- I wasn't at the finance meeting.

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You weren't at that meeting, sorry, I'll withdraw that?-- That's all right.

There's no point in putting that to you. Now, you've in the past had a penchant for reporting matters to the Gold Coast Bulletin frequently?-- I beg your pardon?

You have had a penchant to report matters frequently to the Gold Coast Bulletin and your-----?-- What do you mean?

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-----stories are published frequently in the Gold Coast Bulletin and the Gold Coast Sun, are they not?-- There's a couple of points there or a couple of elements of your statement which I'm not too clear about - penchant exactly meaning?

I'll start again. You frequently have articles published in the Gold Coast Bulletin about matters that you discuss with them, do you not?-- I wouldn't say frequently about matters that I discuss with them. I suppose I get called up - I get contacted by the journalists from the Gold Coast Bulletin, yeah, might be a couple of times a week. It may be no times a week and it may be five, depends what the issues are. I don't generally go out of my way to approach journalists with articles unless I think there's something really significant; it happens.

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Well, you know the Gold Coast Bulletin journalist, Alice Jones, quite well, don't you?-- No, not well.

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You don't. Do you know Bob Gordon, the editor of the Gold Coast Bulletin; do you have any relationship with him?-- I think I may have met him. I'm sure I've met him.

You've met him?-- Once or twice. I think he came to a Council - a meeting with all councillors perhaps in 2001 and perhaps I've seen him at some other function, but I don't know if I've spoken with him on a telephone or anything like that.

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A person, Lyn Ogden, do you know of her?-- Yes, I do.

Who is she?-- Mrs Ogden is a citizen of Nerang.

Yes?-- She's become a friend of mine over a period of the last seven or eight years.

And some people called McGuire?-- Yes, I know a Lloyd and Irene McGuire.

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Who are they?-- Citizens of Nerang.

What relationship do you have with them?-- I see - what, all or three of them? I'll just deal with Mrs Ogden first?

Yes?-- We're friends. We'll talk some times about personal matters. I see her at-----

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CHAIRMAN: Is there any relevance in this? If they're personal friends-----

MR RADCLIFF: I'll just take some instructions then.

CHAIRMAN: I don't know that we need chapter and verse on how often he sees people.

WITNESS: I've never sent her my draft CV by fax.

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MR RADCLIFF: I won't go any further with this line of questions but I will refer a matter to counsel assisting. He may wish to ask further questions about these matters.

CHAIRMAN: All right.

MR RADCLIFF: Nothing further, thank you.

WITNESS: These matters - Mr Radcliff, I just wanted to offer, in regard to a question you asked beforehand about Councillor Shepherd and the reference I'd made in my submission to the Minister about the fundraising function, I need to tell you - see, I did say, look, I'm concerned about these things not being relevant to the terms of reference here and more relevant to a defamation matter. It's because I don't have all that information with me. I don't have the documents with me but I can prove to you I approached Councillor Shepherd on at least two occasions in writing asking him to identify what his concerns were with regard to this publication - with this dossier, as he called it, and he never responded.

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MR RADCLIFF: Well, perhaps-----?-- I asked him specifically, "What are your concerns? Let me know. I'll address it."

Well, it seems, Councillor Young, that you'll be here tomorrow so perhaps you can bring those with you?-- I'll do my best to do that, Mr Radcliff.

CHAIRMAN: Well, your client might have the originals. Perhaps he can bring those.

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MR RADCLIFF: Yes, yes, we'll both look, yes.

CHAIRMAN: Yes, next?

MR WEBB: Just before my learned friend Mr Nyst commences, there's a matter that I'd like to raise and I don't want to do

it just at the end of the day. We were given a statement by Warren Chi-Wang Cheung, and I hope I've got his pronunciation correct and I apologise if I haven't. At page 676 to page 683, in that statement - and we were just given them I think just before lunch-----

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CHAIRMAN: It must be a long statement.

MR WEBB: That's another one to you, Mr Chairman.

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CHAIRMAN: That's a relief.

MR WEBB: Line - you haven't seen it.

CHAIRMAN: Even paragraph 673.

MR WEBB: It's the line 676 to 683.

CHAIRMAN: So you mean it's a record of interview and at line 673, all right.

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MR WEBB: Yes, yes. It must be late in the day or something. And it's also over the page. There's a - the interviewer and the interviewee are discussing a matter that is a confidential settlement that was reached in a particular case.

CHAIRMAN: Well, can you take it up when we finish this afternoon with counsel assisting? If it is something that should be deleted, that can be organised, I'm sure.

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MR WEBB: Thank you, Mr Chair.

CHAIRMAN: Really, if it's confidential it's better not to discuss it openly here. Sort it out quietly behind the scenes. Yes, Mr Nyst.

MR NYST: I'm happy - apparently Councillor Betts wants to ask some questions. I'll be a little while.

CHAIRMAN: All right. Yes, Mr Betts.

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MR BETTS: Councillor Young, I won't ask you questions about your dossier. I only appear in that in a minor role. I'll just mostly relate questions to what you've been talking about today. Earlier on in your evidence, you were discussing your position on developer contributions and I may have your words incorrect here because I've tried to just write them down as you've written them. I believe you've put - you said something to the effect of, "I have put myself in a position where I have not taken any donations from major development interests." Is that correct?-- That's correct.

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Could you define major or minor development interests?-- Well, I don't have a specific definition of it but I suppose in my mind major would be the likes of Raptis, Sunland, Ingles, Stocklands, Roche. You know, there's a number more I'm sure.

Yes?-- Minor-----

Look, I'm not really referring to names. I didn't want you to name anyone?-- Oh sorry.

What I'm trying to get at is if you believe in you're saying the community position is that major development interests probably not a good idea to be taking donations from those sorts of interests and what - how would you define, without using names, a minor development interest? So just for my sake if I was to be offered a-----?-- Well, okay, the definition I've applied I suppose for my own self, and I'm not suggesting this is a definition everybody else needs to apply but one I've applied is does this person have any - through that entity or any other entities - have interests in a number of parcels across the city which they're choosing to do subdivision or high-rise apartments, things of that nature, unit developments, commercial, retail. If they do, that's a clear distinction for me. I'm not - you know, I-----

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So - so-----?-- I'd be concerned about that, whereas a - a developer or a person with a development - development interest that I might consider not to be a contradiction, if you like, might be the likes of Mr Cater who just has a one interest which is in the suburb of Helensvale, to the best of my knowledge, and I've spoken with him about the fact that he might have some - he's told me he doesn't - and - and he's just building a small community there, a retirement village, nursing home. I know he's very concerned and very committed to achieving good outcomes for the community that he's establishing there. I know that he's got a good rapport with the people who live in his estate. He's there all the time. It's not just something he's got someone else to do and he's off flying around the world. He's there every day. He works at, lives at, breathes at - I think he reflects and knows about the aspirations of that group of people.

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So - sorry-----?-- So that's the kind of development interest that I - I think is probably, you know - it's not a strong contradiction if you like.

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Could I - could I summarise that to say that you - you would take donations from someone who you're aware of their applications or you're aware of the - the developments that they undertake and you are quite - quite happy to support that sort of thing?-- No, I wouldn't say that.

Right. Okay. On the issue of the infrastructure charges and again I've tried to write down something that you've written so please correct me if I'm wrong in what you've said here. This was talking about the infrastructure charges issue before the election. If the right - you said - and I believe this is your words - "If the right people were elected, then the development industry would be looked after." Would that be close to what you said?-- Yes.

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Okay. So the so-called pro development bloc, were there any changes made to the infrastructure charges policy after the election?-- Yes, there have been.

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And what were they?-- The infrastructure charges for water and sewage in some areas were drastically reduced, I think, by at least one-third but probably more significant is - so that's been passed, but one attempt that did not succeed was obviously the one that I explained this morning where there was a very substantial push to achieve a change in the method of charging and applying charges to older approvals.

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And this was the one that you were talking about with an advisory group that had been set up?-- That's correct.

And you said that an advisory group had been set up after the election and there was heavy lobbying to Councillor Power and others?-- Yes, and I should say the advisory group may have - well have been set up for the election.

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Right?-- Never found out.

But you agree that there was heavy lobbying to Councillor Power and others?-- Yes.

Were you ever lobbied?-- Not directly, no.

Because I know that I wasn't lobbied; I just wondered where you got that information from?-- In the form of letters that were copied to the councillors in the - when we had a - an agenda item in September 2004.

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And it mentioned that councillors had been lobbied?-- The letters that were copied were addressed to councillors and - and to the CEO.

Okay. Mr Radcliff already asked you about the pro development bloc and you've mentioned eight names there, so I take that that you consider me to be a member of this pro development bloc?-- Yes.

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And on what basis?-- On the basis of my analysis of - of how you have voted on issues of concern since - since your election.

So could you - could you define that a little bit more than your analysis of how I voted?-- Well, my analysis being an ongoing, day to day thing as we meet and discuss and debate planning matters, committees or at full council.

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So are you saying that I promote development, or what exactly is it that I do that gives you the impression I'm pro development?-- Greg, I think it's a matter of where there's an opportunity to achieve an outcome that's more consistent with ecologically sustainable development principles you're either ignorant of them or you don't have a firm grasp of them, or you don't support measures to have them introduced into - into the outcomes that we-----

So that-----?-- Of the matters that we deal with.

That could be defined as an ignorance, or not a firm grasp of ESD, but do you mean to say that anyone who doesn't have that grasp is pro development?-- No, I don't mean to say that at all. You asked me about you.

Yes?-- And I suppose, you know, in a very general sense where we're just using easy labels. Pro development is something I didn't - I didn't come up with that description. You know, I certainly included-----

But you've used it?-- I made reference to it in my document, yeah, but certainly not something I came up with. I didn't come up with "bloc".

But you've used it?-- Yes, that's right. So it's a label, if you like. It doesn't necessarily mean that - and I don't believe that you're always - your only interest is development, or the development outcome; that's not what I'm insinuating-----

So you're saying that I may not have a grasp of ESD but I'm not pro development?-- No, what I'm saying is by applying my definition of how I analyse you, your voting and your understanding of the various matters and issues, that's enabled me to see that you - you're more inclined to support an outcome that's development friendly rather than having the integration of all those ESD principles, the economic outcome, the social outcome, the environmental outcome, because in my opinion a lot of the outcomes that we are asked to support have a very strong focus on that economic outcome, if you like.

Okay. I'll-----?-- So when we're arguing about, or debating various matters and other positions are put forward, I'm obviously observing how people are voting and-----

Okay.

CHAIRMAN: Have you got much more, Mr Betts?

MR BETTS: I've only got about three questions.

CHAIRMAN: Okay, well, we'll sit on then.

MR BETTS: Councillor Young, have I ever voted with you on issues including development applications or others?-- I couldn't say so with any degree of reliability, but I'm sure you have.

Have I ever voted against other members of what you call the pro development bloc?-- That's evident, yeah.

There was reference made to the post election dinner where discussions were - and even voting took place on committee chairs and so on?-- Mmm.

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Just with reference to that, I believe you said something - again something along the lines of, "Councillors who were involved with the Lionel Barden Trust Fund and the pro development bloc were given chairmanship of the committees." Would that be close to something that you said this morning?-- It would be close to it.

Would you agree with that statement?-- Not all councillors.

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Well, I believe that that's what you said, "Councillors who were involved with the Lionel Barden Trust Fund and the pro development bloc were given chairmanship of the committees." The question - based on that statement the question to you is myself, Councillor Betts, and Councillor Pforr were the only councillors funded by the Lionel Barden Trust Fund. Did they get to be elected to committee chairs?-- No. No, you didn't, and nor did Councillor Pforr. But I think what I said was, you know, "associated with" - "funded by" or "associated with", but I'm not going to quibble with you.

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I think it was "involved with". Anyway, I'll leave it at that. Thank you, Mr Chairman.

CHAIRMAN: Thank you. All right.

MR MULHOLLAND: Could we get some idea as to how long Mr Young might be required tomorrow?

CHAIRMAN: Yes, and teeing up for the next witness. How long do you think you'd be, Mr Nyst?

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MR NYST: Oh, I would think an hour plus.

CHAIRMAN: An hour plus. So an hour and a half to - if you're anything like my estimate-----

MR NYST: Hard to know obviously, but I'd say around an hour, an hour and a half.

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CHAIRMAN: I appreciate it's sometimes very difficult to estimate. No one else is going to be any length of time?

MR DE BATTISTA: I will be but I'll be comparatively brief, Chairman, probably 20 minutes or so at the most.

CHAIRMAN: All right.

MR FYNES-CLINTON: Five to ten minutes.

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CHAIRMAN: Thank you.

MR WEBB: I won't be very long but I will be-----

CHAIRMAN: Thank you. 9.45.

MR MULHOLLAND: Thank you.

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THE HEARING ADJOURNED AT 4.36 P.M. TILL 9.45 A.M. THE
FOLLOWING DAY

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WITNESS LIST

NORMAN COLIN RIX, SWORN AND EXAMINED..... 1524

WITNESS EXCUSED..... 1531

PETER JOHN YOUNG, ON AFFIRMATION, EXAMINED..... 1535

EXHIBITS

ADMITTED AND MARKED "EXHIBIT 230"..... 1524

ADMITTED AND MARKED "EXHIBIT 231"..... 1525

ADMITTED AND MARKED "EXHIBIT 232"..... 1535

ADMITTED AND MARKED "EXHIBIT 233"..... 1542

ADMITTED AND MARKED "EXHIBIT 234"..... 1565

ADMITTED AND MARKED "EXHIBIT 235"..... 1573

ADMITTED AND MARKED "EXHIBIT 236"..... 1577

ADMITTED AND MARKED "EXHIBIT 237"..... 1585

ADMITTED AND MARKED "EXHIBIT 238"..... 1596

ADMITTED AND MARKED "EXHIBIT 239"..... 1597